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Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Report of the Secretary-General prepared pursuant to General Assembly resolution ES-10/10

Summary

This report was prepared on the basis of General Assembly resolution ES-10/10, adopted on 7 May 2002, in which the Assembly requested the Secretary-General to present a report, drawing upon the available resources and information, on the recent events that took place in Jenin and other Palestinian cities. The General Assembly requested the report following the disbandment of the United Nations fact-finding team that had been convened by the Secretary-General in response to Security Council resolution 1405 (2002) of 19 April 2002.

The report was written without a visit to Jenin or the other Palestinian cities in question and it therefore relies completely on available resources and information, including submissions from five United Nations Member States and Observer Missions, documents in the public domain and papers submitted by non-governmental organizations. The Under-Secretary-General for Political Affairs wrote to the Permanent Representative of Israel and the Permanent Observer of Palestine to the United Nations requesting them to submit information but only the latter did so. In the absence of a response from Israel, the United Nations has relied on public statements of Israeli officials and publicly available documents of the Government of Israel relevant to the request in resolution ES-10/10.

This report covers the period from approximately the beginning of March to 7 May 2002. The report sets out the context and background of the situation in Israel and the Occupied Palestinian Territory, including the security, humanitarian and human rights responsibilities of both parties. It briefly charts the rising violence since September 2000, which had by 7 May 2002 caused the deaths of 441 Israelis and 1,539 Palestinians.

The report describes the pattern of attacks carried out by Palestinian armed groups against Israel operating from the West Bank and Israel's military action during Operation Defensive Shield, which began on 29 March with an incursion into

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Ramallah, followed by entry into Tulkarm and Qalqilya on 1 April, Bethlehem on 2 April, and Jenin and Nablus on 3 April. By 3 April, six of the largest cities in the West Bank, and their surrounding towns, villages and refugee camps, had been occupied by the Israeli military. Operation Defensive Shield was characterized by extensive curfews on civilian populations and restrictions, indeed occasional prohibitions, on the movement of international personnel, including at times humanitarian and medical personnel as well as human rights monitors and journalists. In many instances, humanitarian workers were not able to reach people in need. Combatants on both sides conducted themselves in ways that, at times, placed civilians in harm's way. Much of the fighting during Operation Defensive Shield occurred in areas heavily populated by civilians and in many cases heavy weaponry was used. As a result of those practices, the populations of the cities covered in this report suffered severe hardships. The Israeli Defence Forces announced the official end of the operation on 21 April but its consequences lasted until the end of the period under review and beyond.

I. Introduction

1. The present report is submitted pursuant to resolution ES-10/10 adopted on 7 May 2002 by the General Assembly at its tenth emergency special session. In paragraph 6 of the resolution the Assembly requested the Secretary-General to present a report, drawing upon the available resources and information, on the recent events that took place in Jenin and other Palestinian cities.

II. Security Council resolution 1405 (2002)

2. On 19 April 2002, the Security Council unanimously adopted resolution 1405 (2002), in which it welcomed my initiative to develop accurate information regarding recent events in the Jenin refugee camp through a fact-finding team. This resolution was tabled in the Council by the delegation of the United States of America following telephone conversations that I had with Israel's Foreign Affairs and Defence Ministers at their initiative, during which I was assured that Israel would cooperate fully with the team that I would designate.

3. Pursuant to resolution 1405 (2002), on 22 April 2002, I established a fact-finding team composed of Martti Ahtisaari, Sadako Ogata and Cornelio Sommaruga. Headed by Mr. Ahtisaari, the team's members also included four senior advisers: Major General (ret.) William Nash, as Military Adviser; Deputy Commissioner Peter Fitzgerald, as Police Adviser; Ambassador Tyge Lehmann, as Legal Adviser; and Helena Ranta, as Medical/Legal Adviser. In addition, the team was provided with technical expertise in military, security and counter-terrorism issues, as well as forensic science and general support staff. The team gathered at Geneva and began to prepare a work plan based on three elements: (a) events in Jenin in the period immediately prior to Israel's military operation; (b) the battle in Jenin during Operation Defensive Shield; and (c) efforts by humanitarian workers to gain access to the civilian population in Jenin after the end of hostilities.

4. After the appointment of the members of the team, the Government of Israel raised a number of concerns regarding the work of the team that made its timely deployment impossible and led me to disband the team. On 1 May 2002 I sent a letter to the President of the Security Council (S/2002/504) describing my efforts to implement resolution 1405 (2002), which read, in part:

(a) I instructed that the team should gather in Geneva on 24 April and proceed to the area on 25 April. However, soon after I announced my plan to deploy the team, the Government of Israel began to express concerns related to the composition of the team, the scope of its mandate, how this mandate would be carried out and various procedural matters. At the request of the Government of Israel, I agreed that the Secretariat would meet with a delegation from Israel and listen to Israel's concerns and engage in a clarificatory process. I set back the arrival of the team in the area to 27 April.

(b) The discussions with the Israeli delegation were held in a very constructive atmosphere on 25 and 26 April. By the time the Israeli delegation was able to report back on the results of those meetings, the Sabbath had begun in Israel. The Foreign Minister of Israel informed me that the Israeli Cabinet would address the issue at its scheduled meeting on 28 April and requested that the team delay its arrival for another day. I acceded to this request and the Under-Secretary-General for Political Affairs briefed the Security Council accordingly.

(c) On 27 April, I spoke on the telephone with the Prime Minister of Israel, after which I dispatched letters to the Permanent Representative of Israel and the Permanent Observer of Palestine setting out the parameters of work of the team. These letters were circulated to Security Council members on the same day. The Permanent Representative of Israel sent me a reply late on 27 April, in which he put forward several concerns on the part of his Government. The Under-Secretary-General for Political Affairs responded orally to the Permanent Representative of Israel.

(d) On 28 April, the Israeli Cabinet did not reach a decision on the fact-finding team; I was informed by Israel that the matter would be reviewed by the Cabinet at a meeting the following day. The Secretariat briefed the Security Council on the information I had received on 28 April, and the Council agreed that the President of the Council would express its continuing support for my efforts to implement resolution 1405 (2002).

(e) The Israeli Cabinet did not meet on 29 April. Instead, I was informed by the Permanent Representative of Israel that the Cabinet had scheduled a meeting for early on 30 April. The Secretariat briefed the Security Council accordingly.

(f) Israel's Ministerial Committee on National Security (the Security Cabinet) met early on 30 April, after which it issued the following statement: "Israel has raised essential issues before the United Nations for a fair examination. As long as these terms have not been met, it will not be possible for the clarification process to begin." In the absence of a formal indication of the terms on which the Government of Israel would cooperate with the fact-finding team, this statement was reviewed against the backdrop of various public statements by, and telephone conversations that I held with, senior Israeli officials. I was drawn reluctantly to the conclusion that, while continuing to express its concerns to the United Nations mainly in the form of procedural issues, Israel had developed concerns about Security Council resolution 1405 (2002) that were fundamental in nature.

(g) Throughout this process, the United Nations has made every effort to accommodate the concerns of the Government of Israel within the mandate given to me by the Security Council. It was made quite clear that the team was tasked specifically to develop information about the recent events in Jenin and that the facts established would be used solely for its report to me. In my view, the team would have conducted its assignment in the field in a professional and fair manner and produced an accurate, thorough, balanced and credible report.

(h) Clearly the full cooperation of both sides was a precondition for this, as was a visit to the area itself to see the Jenin refugee camp at first hand and to gather information. This is why the Secretariat engaged in a thorough clarification process with the Israeli delegation.

(i) In the light of yesterday's announcement by the Government of Israel, it seems evident that the team will not be able to proceed to the area and begin its mission in the near future. While I have not received any further written communication from the Israeli Government since 27 April, in my telephone conversations over the past two days, high-level Israeli officials have broached issues additional to those raised by the delegation that came to New York last week and there have been indications that this list may not be exhaustive.

(j) As the Secretariat noted in its briefings to the Council, time is also a critical factor. With the situation in the Jenin refugee camp changing by the day, it will become more and more difficult to establish with any confidence or accuracy the "recent events" that took place there.

(k) For these reasons, it is my intention to disband the fact-finding team tomorrow. I regret being unable to provide the information requested by the Council in resolution 1405 (2002), and especially that the long shadow cast by recent events in the Jenin refugee camp will remain in the absence of such a fact-finding exercise.

5. On 3 May 2002 I disbanded the team. In writing to the President of the Security Council to inform him of this, I expressed my deep appreciation to President Ahtisaari, Mrs. Ogata, Mr. Sommaruga and all the members of the team for their efforts to support my actions intended to implement resolution 1405 (2002). I stated that I had every confidence that the team would have conducted itself in a professional and fair manner in producing the report requested by the Council.

III. Report prepared pursuant to paragraph 6 of resolution ES-10/10

A. Introduction

6. In order to comply with the General Assembly's request in resolution ES-10/10, on 14 May 2002, the Under-Secretary-General for Political Affairs addressed letters to the Permanent Representative of Israel and the Permanent Observer of Palestine to the United Nations, requesting them to submit information relevant to the implementation of that resolution. In addition, on 14 May 2002, the Under-Secretary-General for Political Affairs addressed a note verbale to all other Member States and Observer Missions requesting the submission of relevant information. On 3 June 2002, the Under-Secretary-General for Political Affairs addressed another note verbale to Member States and Observer Missions extending the deadline for submissions to 14 June 2002.

7. On 3 June 2002, in response to the letter of the Under-Secretary-General for Political Affairs, the

Permanent Observer of Palestine submitted materials regarding recent events in Jenin and other Palestinian cities (see annex I). In addition, five Member States and Observer Missions have submitted information, responding to the note verbale of 14 May (see annexes II-IV).[1] As at the date of submission of this report, the Government of Israel has not responded to the information request. In the absence of a response from Israel, the United Nations has relied on public statements of Israeli officials and other publicly available documents of the Government of Israel relevant to the request in resolution ES-10/10.

8. This report covers the period from approximately the beginning of March to 7 May 2002. In keeping with the request of the General Assembly, the substantive portion of the report is based on sources of information available to the United Nations, including those in the public domain and submitted by non-governmental organizations. The report begins by setting out the context and background, before describing recent events.

B. Security, humanitarian and human rights responsibilities

9. Subsequent to the signing on 13 September 1993 of the Declaration of Principles on Interim Self-Government Arrangements, the Government of Israel and the Palestine Liberation Organization (PLO) signed a further agreement that, inter alia, specified the security-related responsibilities of the two sides. The Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip signed on 28 September 1995 by Israel and the Palestine Liberation Organization details the mechanisms for the extension of Palestinian self-rule to portions of the West Bank. The main feature of the Agreement was the provision for the division of the West Bank into three areas, each with varying degrees of Israeli and Palestinian responsibility. Area A consisted of the seven major Palestinian towns — Jenin, Qalqilya, Tulkarm, Nablus, Ramallah, Bethlehem, Jericho and Hebron — in which Palestinians would have complete responsibility for civilian security. In area B, which comprised all other Palestinian population centres (except for some refugee camps), Israel would retain "overriding security responsibility". In area C, which includes all settlements, military bases and areas, and State lands, Israel would retain sole security responsibility. Area A comprises approximately 10 per cent of the territory of the West Bank.

10. The Interim Agreement also provides that "Israel shall have the overall responsibility for security for the purpose of protecting Israelis and confronting the threat of terrorism". It states that "[b]oth sides shall take all measures necessary in order to prevent acts of terrorism, crime and hostilities directed against each other, against individuals falling under the other's authority and against their property, and shall take legal measures against offenders".

11. Israel's obligations in the Occupied Palestinian Territory are set out in the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to which Israel is a High Contracting Party. Palestinian residents of the Occupied Territory are "protected persons" under the Convention, which provides that they may not be wilfully killed, tortured, taken as hostages or suffer humiliating or degrading treatment. Israel has obligations not to engage in acts of collective punishment or reprisals and is to refrain from appropriating or extensively destroying the property of protected persons unless such destruction is "rendered absolutely necessary by military operations".

12. The Government of the State of Israel has not, as at the submission of this report, accepted the de jure applicability of the Fourth Geneva Convention of 1949 to all Territory occupied since 1967. Israel has stated that it has undertaken to comply with the humanitarian provisions of the Convention in its administration of the Occupied Palestinian Territory. All other High Contracting Parties, as well as the International Committee of the Red Cross, maintain that the Convention does apply de jure to the Occupied Palestinian Territory.

13. The Palestinian Authority is obligated under international customary law to respect human rights, including to refrain from carrying out attacks against civilians, and is required to prevent groups within its territory from engaging in such attacks. Thus, the Palestinian Authority has the responsibility to protect Israeli civilians from attacks, including suicide bombings, emanating from areas under its security control. Those Palestinian groups that have carried out attacks against civilians have also violated the basic

[1] Two of the submissions received are not reproduced, at the request of the submitting parties concerned.

international legal principle of the inviolability of civilian life and property. Acts of terror that take life violate the right to life set forth in the International Covenant on Civil and Political Rights. In addition, those groups, and other armed personnel, are prohibited under international humanitarian law from establishing military bases in densely populated civilian areas.

C. Rising violence

14. Since the outbreak of crisis in September 2000, the origins of which have been comprehensively set out in the report of the Sharm el-Sheikh Fact-Finding Committee headed by former Senator George Mitchell, there has been sustained violence between the parties, fluctuating in intensity, causing by 7 May 2002 the deaths of 441 Israelis and 1,539 Palestinians. By the beginning of 2002, the parties were already locked in an accelerating cycle of violent attacks. This cycle of violence further increased in intensity through the early months of this year. The violence reached a high point in the months of March and April, which saw suicide bomb attacks against Israelis by Palestinian groups increase in frequency, and two waves of incursions by the Israeli Defence Forces (IDF) into Palestinian towns and villages in the West Bank, including areas under the administrative and security responsibility of the Palestinian Authority.

15. On 12 March 2002, after a series of terrorist attacks carried out by Palestinians earlier in that month, and as the first wave of IDF incursions into the West Bank was coming to a close, I told the Security Council in a briefing that I believed that Israeli-Palestinian tensions were at boiling point and that the situation was the worst in 10 years. I called on Palestinians to stop all acts of terrorism and all suicide bombings, stating that such attacks were morally repugnant and caused harm to their cause. I called on Israelis to stop the bombing of civilian areas, the extrajudicial killings, the demolitions, and the daily humiliation of ordinary Palestinians. I asserted that such actions gravely eroded Israel's international standing and fuelled the fires of hatred, despair and extremism among Palestinians. Finally, I urged the political leaders of both peoples — Prime Minister Sharon and Chairman Arafat — to lead their peoples away from disaster.

16. Palestinian terrorist attacks against Israelis continued, followed by Israeli military incursions into Palestinian areas. On 4 April, one week into the second wave of incursions in the West Bank — the Israeli Defence Forces' Operation Defensive Shield — I again briefed the Security Council and called on all members of the international community to consider urgently how best to intercede with the parties to persuade them to draw back from their present course. I told the Council that self-defence was not a blank cheque, and that responding to terrorism did not in any way free Israel from its obligations under international law, nor did it justify creating a human rights and humanitarian crisis in the Occupied Palestinian Territory. Equally, the Palestinian Authority seemed to believe that failing to act against terrorism, and inducing turmoil, chaos and instability, would cause the Government and people of Israel to buckle — which I believed they would not. I called on the Government of Israel to comply with Security Council resolution 1402 (2002) and withdraw its forces from the Palestinian territory it had occupied during Operation Defensive Shield. I urged Chairman Arafat to exercise political leadership and set the course for the future of his people.

17. On more than one occasion during this very difficult period, I expressed to the Security Council my view that, despite the fact that bitterness and despair were at an all-time high on both sides, we all needed to cling to the conviction that, in the end, however long it would take, there would one day have to be a peaceful settlement of this conflict. While the road back to the negotiating table would not be easy or smooth, both sides, with the help of the international community, must restart a process based on Security Council resolutions 1397 (2002) and 1402 (2002) which, taken together, provide the vision for a permanent settlement of the Israeli-Palestinian conflict and the immediate security and political steps needed to move beyond the present crisis.

18. From the beginning of March until 7 May, Israel endured approximately 16 bombings, the large majority of which were suicide attacks. More than 100 persons were killed and scores more wounded. Throughout this period, the Government of Israel, and the international community, reiterated previous calls on the Palestinian Authority to take steps to stop terrorist attacks and to arrest the perpetrators of such attacks.

19. During this same period, IDF conducted two waves of military incursions primarily in the West Bank, and air strikes against both the West Bank and the Gaza Strip. The first wave began on 27 February 2002 and ended on approximately 14 March. Those

incursions, which Israel stated were in pursuit of Palestinians who had carried out attacks against Israelis, involved the use of ground troops, attack helicopters, tanks and F-16 fighter jets in civilian areas, including refugee camps, causing significant loss of life among civilians.

20. Over the course of two days, 8 and 9 March, 18 Israelis were killed in two separate Palestinian attacks and 48 Palestinians were killed in the Israeli raids that followed.

21. Israeli military retaliation for terrorist attacks was often carried out against Palestinian Authority security forces and installations. This had the effect of severely weakening the Authority's capacity to take effective action against militant groups that launched attacks on Israelis. Militant groups stepped into this growing vacuum and increased their attacks on Israeli civilians. In many cases, the perpetrators of these attacks left messages to the effect that their acts were explicitly in revenge for earlier Israeli acts of retaliation, thus perpetuating and intensifying the cycle of violence, retaliation and revenge.

22. It was against this backdrop that the most extensive Israeli military incursions in a decade, Operation Defensive Shield, were carried out. The proximate cause of the operation was a terrorist attack committed on 27 March in the Israeli city of Netanya, in which 28 people were killed and 140 injured. I condemned the terrorist attack from the Beirut Summit of the League of Arab States as morally repugnant and later described it to the Security Council as a blow against the very possibility of coexistence. On 29 March 2002, the Cabinet of the Government of Israel issued a communiqué approving "a wide-ranging operational action plan against Palestinian terror" and, to that end, "the mobilization of reserves as per operational need". The objective was to "defeat the Palestinian terror infrastructure and to prevent the recurrence of the multiple terrorist attacks which have plagued Israel".

D. Operation Defensive Shield

23. Operation Defensive Shield began on 29 March with an incursion into Ramallah, during which IDF seized most of the buildings in the headquarters compound of Chairman Arafat. Operations followed in Tulkarm and Qalqilya on 1 April, Bethlehem on 2 April, and in Jenin and Nablus on 3 April. By 3 April, six of the largest cities in the West Bank, and their surrounding towns, villages and refugee camps, were occupied by the Israeli military. The Israeli Defence Forces announced the official end of the operation on 21 April as they completed their withdrawal from Nablus and parts of Ramallah, while continuing negotiations to lift the siege at the Church of the Nativity in Bethlehem. The IDF withdrawals from Palestinian cities were, in general, not to pre-29 March positions, but rather to positions encircling the cities. Since then, the Israeli Defence Forces have made additional incursions into many of the Palestinian towns and cities from which they had withdrawn at the conclusion of Operation Defensive Shield, and as this report was being prepared had re-entered many Palestinian towns.

24. A few generally applicable observations can be made about the incursions during Operation Defensive Shield. In each incursion, Israeli troops, tanks and armoured personnel carriers entered the cities and IDF imposed curfews on their civilian populations. In each case, the incursions were accompanied by the entry of IDF into nearby villages and refugee camps. The Israeli Defence Forces declared the cities they had entered "special closed military areas", imposing restrictions on, and at times completely barring, the movement of international personnel, including at times humanitarian and medical personnel as well as human rights monitors and journalists. As a result of these restrictions on movement, including the round-the-clock curfews that lasted with periodic liftings throughout the incursions, the civilian populations of the cities suffered severe hardships, compounded in some places by the extensive fighting that occurred during the operation. As was the case with the first wave of incursions from 27 February to 14 March described above, during Operation Defensive Shield, in many instances, IDF made use of heavy weaponry in Palestinian civilian areas.

25. In each of these incursions, the Israeli Defence Forces arrested Palestinians who they believed were involved in armed actions against Israel, including suicide bombings and other terrorist attacks against Israeli civilians. IDF also, in most of these incursions, destroyed infrastructure they believed to be part of the operating capacity of militant groups, as well as the infrastructure of the Palestinian Authority security services. In addition, widespread damage was caused to

the civilian capacity of the Palestinian Authority and to private property.

26. It was not only the Palestinian people whose movement was restricted during Operation Defensive Shield. In many instances, humanitarian workers were not able to reach people in need to assess conditions and deliver necessary assistance because of the sealing of cities, refugee camps and villages during the operation. There were also cases of Israeli forces not respecting the neutrality of medical and humanitarian workers and attacking ambulances.

27. The Government of Israel has asserted that ambulances were used to transport Palestinian combatants and weapons; and that the Israeli Defence Forces have in many instances acted to prevent that misuse. It has also stated that IDF policy is to allow free passage in cases of humanitarian need, and that Israeli forces continuously provided food and medical assistance to the Palestinian population.

28. As a result of the severe restrictions on movement, human rights workers and journalists were unable to observe the conduct of the parties and provide independent reporting on that conduct. Some journalists reported being fired at by members of IDF.

29. There were numerous reports of IDF compelling Palestinian civilians to accompany them during house searches, check suspicious subjects, stand in the line of fire from militants and in other ways protect soldiers from danger. Witnesses claim that this was done in the Jenin camp and other Palestinian cities. While IDF soldiers have acknowledged in press reports that they forced Palestinians to knock on doors for house searches, they deny the deliberate use of civilians as human shields. The Government of Israel has denied that its military personnel systematically engage in this practice. In response to a petition filed on 5 May by five Israeli, Palestinian and international human rights organizations, the State Attorney's Office of the Government of Israel informed the High Court of Justice of Israel that "in light of the various complaints received ... and so as to avoid all doubt, the [IDF] has decided to immediately issue an unequivocal order ... that forces in the field are absolutely forbidden to use civilians as a means of 'living shield'".

30. According to local human rights groups, more than 8,500 Palestinians were arrested between 27 February and 20 May. Reportedly, most of the 2,500 Palestinians arrested during the first wave of incursions in February and March were released within a week, whereas many of the more than 6,000 Palestinians arrested during Operation Defensive Shield after 29 March were held for longer periods without any outside contact. On 5 April, the Commander of the Israeli Defence Forces in the West Bank issued Military Order 1500, which gave soldiers the authority to hold detainees for a period of up to 18 days without access to a lawyer, family members or judicial review. This type of detention can be extended by a military judge for up to 90 days. The order was retroactive to 29 March and was valid for 60 days. By 6 May an alleged 7,000 Palestinians had been arrested under Operation Defensive Shield, of whom 1,500 were still in detention. In many instances during the operation, IDF followed a pattern of using loudspeakers to summon males between 15 and 45. According to human rights reports, significant numbers of the men arrested were blindfolded and handcuffed, not allowed to use a lavatory, and deprived of food or blankets during their first day in detention.

31. In addition to Military Order 1500, the Government of Israel has access to a procedure of administrative detention under which detainees can be held without charge or trial, and which can be renewed indefinitely. The Israeli Defence Forces and the State Attorney have told Amnesty International that from 450 to 990 people were in administrative detention as of May 2002.

32. Of particular concern is the use, by combatants on both sides, of violence that placed civilians in harm's way. Much of the fighting during Operation Defensive Shield occurred in areas heavily populated by civilians, in large part because the armed Palestinian groups sought by IDF placed their combatants and installations among civilians. Palestinian groups are alleged to have widely booby-trapped civilian homes, acts targeted at IDF personnel but also putting civilians in danger. IDF is reported to have used bulldozers, tank shelling and rocket firing, at times from helicopters, in populated areas.

33. Operation Defensive Shield resulted in the widespread destruction of Palestinian private and public property. Nablus was especially hard hit, especially in its old city, which contained many buildings of cultural, religious and historic significance. Much of the destruction appears to have occurred in the fighting as a result of the use by IDF of tanks, helicopter gunships and bulldozers. United

Nations agencies and other international agencies, when allowed into Ramallah and other Palestinian cities, documented extensive physical damage to Palestinian Authority civilian property. That damage included the destruction of office equipment, such as computers and photocopying machines, that did not appear to be related to military objectives. While denying that such destruction was systematic, the Israeli Defence Forces have admitted that their personnel engaged in some acts of vandalism, and are carrying out some related prosecutions.

34. The Government of Israel justified each of the incursions as being necessary to destroy the infrastructure of Palestinian militant groups that had carried out attacks on Israel with increasing frequency in February and March 2002. In each case, Israel has published information about its assessment of the infrastructure of militant groups. More details regarding such information are included in the sections of the report that describe events in specific Palestinian cities.

35. Closures of cities, villages and refugee camps and curfews exacted a substantial humanitarian price from the civilian populations in the affected areas. That burden was exacerbated in most cities occupied during Operation Defensive Shield by significant periods of time during which utilities (electricity, water and telephone) were cut or severely curtailed. After an initial period of round-the-clock curfews without any relief, the Israeli Defence Forces instituted a periodic lifting. The closures and curfews posed particular problems for those with chronic medical problems, who were unable to obtain care and medications. After the lifting of the closures, when they were able to assess the condition of the affected populations, humanitarian agencies reported shortages of food and other basic supplies among Palestinians affected by the incursions. In addition to these humanitarian consequences of the closures and curfews, the restrictions had a devastating economic impact, virtually shutting down the economy of the Palestinian Authority by impeding normal business activity and preventing Palestinians from going to work.

36. Terrorist attacks against Israeli civilians continued in the aftermath of Operation Defensive Shield, and most Palestinian cities endured further incursions after the end of the operation up to the end of the period under consideration in this report.

E. Overall effects of the incursions on the Palestinian population

37. According to a report prepared by United Nations agencies in the Occupied Palestinian Territory, the humanitarian and development effects of the two waves of incursions were as follows:

(a) A total of 497 Palestinians were killed in the course of the IDF reoccupation of Palestinian area A from 1 March to 7 May 2002 and in the immediate aftermath;

(b) Palestinian health authorities and the Palestinian Red Crescent Society reported approximately 1,447 wounded with some 538 live-ammunition injuries (for the same period);

(c) Round-the-clock curfews were imposed in cities, refugee camps, towns and villages affecting an estimated 1 million persons; over 600,000 of them remained under a one-week curfew, while 220,000 urban residents lived under curfew regimes for a longer duration and without vital supplies and access to first aid;

(d) Severe internal and external closures continue to paralyse normal economic activity, and movement of persons and goods throughout the West Bank; in the Gaza Strip, the unprecedented 38-day-long internal closures divided the Strip into three intermittently isolated areas;

(e) Protracted curfews, compounded by severe restrictions on commercial circulation of supplies, rendered the food security situation in the Occupied Palestinian Territory precarious: over 630,000 persons or roughly 20 per cent of the resident population were considered food security vulnerable;

(f) Food deficit was increasingly observed in various regions of the Occupied Palestinian Territory, the Gaza food market being particularly distorted. Restrictions on food imports resulted in a mild increase in the overall food price level in the West Bank and in a considerable rise (up to 25-30%) of prices for staple commodities in the Gaza Strip;

(g) Over 2,800 refugee housing units were damaged and 878 homes were demolished or destroyed during the reporting period, leaving more than 17,000 people homeless or in need of shelter rehabilitation;

(h) Non-refugee housing in Nablus, Ramallah, Bethlehem, Jenin town and Tulkarm and a number of surrounding villages sustained damage ranging from minor to structural;

(i) Students in eight West Bank districts were prevented from attending school. It is estimated that, during the reporting period, some 11,000 classes were missed and 55,000 teaching sessions were lost;

(j) Fifty Palestinian schools were damaged by Israeli military action, of which 11 were totally destroyed, 9 were vandalized, 15 used as military outposts and another 15 as mass arrest and detention centres.

38. Even before the recent military operation, economic and social conditions in the West Bank and Gaza were in a state of crisis. According to an assessment by the Office of the United Nations Special Coordinator, the 18 months of confrontations and restrictions on movement prior to March and April had witnessed a more than 20 per cent reduction in domestic production levels, unprecedented levels of unemployment, a 30 per cent decline in per capita income and a more than doubling of the poverty rate, to some 45 per cent of the Palestinian population.

39. While it is difficult to ascertain with precision the magnitude of the socio-economic effects of the incursions, available preliminary information indicates a sharp intensification of the hardships faced by the population. That information suggests that the principal economic result has been a near-complete cessation of all productive activity in the main West Bank centres of manufacturing, construction, commerce and private and public services. Activities in those centres account for at least 75 per cent of the value of goods and services produced in the West Bank. The production stoppage has imposed immediate income losses on employees and owners of businesses, as well as losses in tax revenues for the Palestinian Authority. In addition, suppliers and buyers in the urban areas directly affected have close economic links to rural areas; the isolation of the former has significant negative effects on the latter. This is also true of the relationship between businesses in East Jerusalem and the West Bank.

40. In addition to the inability of households to access medical, educational or other services during Operation Defensive Shield, people have been separated from their means of income. This has resulted in lost opportunities to earn income, further compressing household income and savings and exacerbating the severe decline in living levels of the last 18 months. As a result, the West Bank will witness even higher levels of poverty in the short- to medium-term.

41. According to the World Bank, reconstruction costs for physical and institutional damage to Palestinian Authority civilian infrastructure resulting from the incursions in the West Bank in March and April 2002 would total US$ 361 million.

42. While the United Nations does not have a mandate to monitor and report on conditions in Israel, as it does in the Occupied Palestinian Territory, it is apparent that the violence, specifically terrorist attacks, has caused enormous suffering for the Israeli people and the country's economy.

F. Recent events in Jenin

Introduction

43. In the early hours of 3 April 2002, as part of Operation Defensive Shield, the Israeli Defence Forces entered the city of Jenin and the refugee camp adjacent to it, declared them a closed military area, prevented all access, and imposed a round-the-clock curfew. By the time of the IDF withdrawal and the lifting of the curfew on 18 April, at least 52 Palestinians, of whom up to half may have been civilians, and 23 Israeli soldiers were dead. Many more were injured. Approximately 150 buildings had been destroyed and many others were rendered structurally unsound. Four hundred and fifty families were rendered homeless. The cost of the destruction of property is estimated at approximately $27 million.

Jenin refugee camp before 3 April 2002

44. On the eve of Israel's military incursion in April, the Jenin refugee camp, established in 1953, was home to roughly 14,000 Palestinians, of whom approximately 47 per cent were either under 15 or over 65 years of age. It was the second largest refugee camp in the West Bank in population and was densely populated, occupying a surface area of approximately 373 dunums (one square kilometre). The Jenin refugee camp came under full Palestinian civil and security control in 1995. It is in close proximity to Israeli settlements and is near the "green line".

45. According to both Palestinian and Israeli observers, the Jenin camp had, by April 2002, some 200 armed men from the Al-Aqsa Martyrs Brigades, Tanzim, Palestinian Islamic Jihad and Hamas who operated from the camp. The Government of Israel has charged that, from October 2000 to April 2002, 28 suicide attacks were planned and launched from the Jenin camp.

46. The Government of Israel has published information regarding infrastructure within the Jenin camp for the carrying out of attacks. The Israeli Defence Forces point to their discovery in the camp of arms caches and explosive laboratories and the numbers of Palestinian militants killed or arrested there during Operation Defensive Shield. They cite posters glorifying suicide bombers and documents describing Jenin as a "martyr's capital" reportedly found by Israeli soldiers in the camp during the incursion.

47. The Government of Israel and IDF have acknowledged that their soldiers were unprepared for the level of resistance they encountered in Jenin camp, noting that it was "probably the most bitter and harsh" that they had faced. The IDF soldiers who took part in the operation were, for the most part, reservists who had been mobilized only on or after 17 March. Many were called up only after the Passover bombing in Netanya (27 March).

Israeli Defence Force incursion into Jenin city and refugee camp, 3-18 April 2002

48. Although available first-hand accounts are partial, difficult to authenticate and often anonymous, it is possible, through Government of Israel, Palestinian Authority, United Nations and other international sources, to create a rough chronology of events within the Jenin camp from 3 to 18 April 2002. The fighting lasted approximately 10 days and was characterized by two distinct phases: the first phase began on 3 April and ended on 9 April, while the second phase lasted during 10 and 11 April. Most of the deaths on both sides occurred in the first phase but it would appear that much of the physical damage was done in the second.

49. There are allegations by the Palestinian Authority and human rights organizations that in the conduct of their operations in the refugee camp the Israeli Defence Forces engaged in unlawful killings, the use of human shields, disproportionate use of force, arbitrary arrests and torture and denial of medical treatment and access. IDF soldiers who participated in the Jenin incursion point to breaches of international humanitarian law on the part of Palestinian combatants within the camp, including basing themselves in a densely populated civilian area and the use of children to transport and possibly lay booby traps.

50. In the account of the Government of Israel of the operation, IDF first surrounded and established control of access into and out of the city of Jenin, allowing its inhabitants to depart voluntarily. Approximately 11,000 did so. According to Israeli sources, in their incursion into the camp IDF relied primarily on infantry rather than airpower and artillery in an effort to minimize civilian casualties, but other accounts of the battle suggest that as many as 60 tanks may have been used even in the first days. Interviews with witnesses conducted by human rights organizations suggest that tanks, helicopters and ground troops using small arms predominated in the first two days, after which armoured bulldozers were used to demolish houses and other structures so as to widen alleys in the camp.

51. Using loudspeakers, IDF urged civilians in Arabic to evacuate the camp. Some reports, including of interviews with IDF soldiers, suggest that those warnings were not adequate and were ignored by many residents. Many of the inhabitants of the Jenin camp fled the camp before or at the beginning of the IDF incursion. Others left after 9 April. Estimates vary on how many civilians remained in the camp throughout but there may have been as many as 4,000.

52. As described by the Government of Israel, "a heavy battle took place in Jenin, during which IDF soldiers were forced to fight among booby-trapped houses and bomb fields throughout the camp, which were prepared in advance as a booby-trapped battlefield". The Palestinian Authority acknowledges that "a number of Palestinian fighters resisted the Israeli military assault and were armed only with rifles and ... crude explosives". An IDF spokesman offered a slightly different portrayal of the resistance, stating that the soldiers had faced "more than a thousand explosive charges, live explosive charges and some more sophisticated ones, ... hundreds of hand grenades ... [and] hundreds of gunmen". Human rights reports support the assertions that some buildings had been booby-trapped by the Palestinian combatants.

53. That the Israeli Defence Forces encountered heavy Palestinian resistance is not in question. Nor is the fact that Palestinian militants in the camp, as elsewhere, adopted methods which constitute breaches of international law that have been and continue to be condemned by the United Nations. Clarity and certainty remain elusive, however, on the policy and facts of the IDF response to that resistance. The Government of Israel maintains that IDF "clearly took all possible measures not to hurt civilian life" but were confronted with "armed terrorists who purposely concealed themselves among the civilian population". However, some human rights groups and Palestinian eyewitnesses assert that IDF soldiers did not take all possible measures to avoid hurting civilians, and even used some as human shields.

54. As IDF penetrated the camp, the Palestinian militants reportedly moved further into its centre. The heaviest fighting reportedly occurred between 5 and 9 April, resulting in the largest death tolls on both sides. There are reports that during this period IDF increased missile strikes from helicopters and the use of bulldozers — including their use to demolish homes and allegedly bury beneath them those who refused to surrender — and engaged in "indiscriminate" firing. IDF lost 14 soldiers, 13 in a single engagement on 9 April. IDF incurred no further fatalities in Jenin after 9 April.

55. Press reports from the days in question and subsequent interviews by representatives of non-governmental organizations with camp residents suggest that an average of five Palestinians per day died in the first three days of the incursion and that there was a sharp increase in deaths on 6 April.

56. Fifty-two Palestinian deaths had been confirmed by the hospital in Jenin by the end of May 2002. IDF also place the death toll at approximately 52. A senior Palestinian Authority official alleged in mid-April that some 500 were killed, a figure that has not been substantiated in the light of the evidence that has emerged.

57. It is impossible to determine with precision how many civilians were among the Palestinian dead. The Government of Israel estimated during the incursion that there were "only dozens killed in Jenin ... and the vast majority of them bore arms and fired upon [IDF] forces". Israeli officials informed United Nations personnel that they believed that, of the 52 dead, 38 were armed men and 14 were civilians. The Palestinian Authority has acknowledged that combatants were among the dead, and has named some of them, but has placed no precise estimates on the breakdown. Human rights organizations put the civilian toll closer to 20 — Human Rights Watch documented 22 civilians among the 52 dead, while Physicians for Human Rights noted that "children under the age of 15 years, women and men over the age of 50 years accounted for nearly 38 per cent of all reported fatalities".

58. The Israeli Defence Forces stated at the time that their methods might not change, "because the basic assumption is that we are operating in a civilian neighbourhood". Other accounts of the battle suggest that the nature of the military operation in Jenin refugee camp did alter after 9 April 2002. On that day, in what both the Palestinian Authority and the Government of Israel describe as a "well-planned ambush" 13 IDF soldiers were killed and a number of others wounded. A fourteenth soldier died elsewhere in the camp that day, bringing the IDF death toll during the operation in Jenin to 23.

59. Following the ambush, IDF appeared to have shifted tactics from house-to-house searches and destruction of the homes of known militants to wider bombardment with tanks and missiles. IDF also used armoured bulldozers, supported by tanks, to demolish portions of the camp. The Government of Israel maintains that "IDF forces only destroyed structures after calling a number of times for inhabitants to leave buildings, and from which the shooting did not cease". Witness testimonies and human rights investigations allege that the destruction was both disproportionate and indiscriminate, some houses coming under attack from the bulldozers before their inhabitants had the opportunity to evacuate. The Palestinian Authority maintains that IDF "had complete and detailed knowledge of what was happening in the camp through the use of drones and cameras attached to balloons ... [and] none of the atrocities committed were unintentional".

60. Human rights and humanitarian organizations have questioned whether this change in tactics was proportionate to the military objective and in accordance with humanitarian and human rights law. The Palestinian Authority account of the battle alleges the use of "helicopter gunships to fire TOW missiles against such a densely populated area ... anti-aircraft guns, able to fire 3,000 rounds a minute ... scores of

tanks and armoured vehicles equipped with machine guns ... [and] bulldozers to raze homes and to burrow wide lanes". Other sources point to an extensive use of armoured bulldozers and helicopter gunships on 9 and 10 April, possibly even after the fighting had begun to subside. During this stage, much of the physical damage was done, particularly in the central Hawashin district of the camp, which was effectively levelled. Many civilian dwellings were completely destroyed and many more were severely damaged. Several UNRWA facilities in the camp, including its health centre and sanitation office, were badly damaged.

61. Within two days after 9 April, IDF brought the camp under control and defeated the remaining armed elements. On 11 April, the last Palestinian militants in Jenin camp surrendered to IDF, having requested mediation by B'Tselem, an Israeli human rights organization that operates in the Occupied Palestinian Territory, to ensure that no harm would come to them. According to Palestinian Authority sources, those surrendering included wanted Islamic Jihad and Fatah leaders; others were three injured people and a 13-year-old boy.

Conclusion and aftermath of the IDF incursion, 11 April-7 May 2002

62. As the IDF incursion into Jenin wound down, a range of humanitarian problems arose or worsened for the estimated 4,000 Palestinian civilians remaining in the camp. Primary among these was the prolonged delay in obtaining medical attention for the wounded and sick within the camp. As the fighting began to subside, ambulances and medical personnel were prevented by IDF from reaching the wounded within the camp, despite repeated requests to IDF to facilitate access for ambulances and humanitarian delegates, including those of the United Nations. From 11 to 15 April, United Nations and other humanitarian agencies petitioned and negotiated for access to the camp with IDF and made many attempts to send in convoys, to no avail. At IDF headquarters on 12 April, United Nations officials were told that United Nations humanitarian staff would be given access to the affected population. However, such access did not materialize on the ground, and several more days of negotiations with senior IDF officials and personnel of the Israeli Ministry of Defence did not produce the necessary access despite assurances to the contrary. On 18 April, senior United Nations officials criticized Israel for its handling of humanitarian access in the aftermath of the battle and, in particular, its refusal to facilitate full and safe access to the affected populations in violation of its obligations under international humanitarian law.

63. UNRWA mounted a large operation to deliver food and medical supplies to needy refugees who had fled the camp and to Jenin hospital but was not allowed to enter the camp. The humanitarian crisis was exacerbated by the fact that, on the first day of the offensive, electricity in both the city and the camp were cut by IDF. Electric power was not restored until 21 April.

64. Many of the reports of human rights groups contain accounts of wounded civilians waiting days to reach medical assistance, and being refused medical treatment by IDF soldiers. In some cases, people died as a result of these delays. In addition to those wounded in the fighting, there were civilian inhabitants of the camp and the city who endured medication shortages and delays in medical treatment for pre-existing conditions. For example, it was reported on 4 April that there were 28 kidney patients in Jenin who could not reach the hospital for dialysis treatment.

65. The functioning of Jenin Hospital, just outside the camp, appears to have been severely undermined by IDF actions, despite IDF statements that "nothing was done to the hospital". The hospital's supplies of power, water, oxygen and blood were badly affected by the fighting and consequent cuts in services. On 4 April, IDF ordered the Palestinian Red Crescent Society (PRCS) to stop its operations and sealed off the hospital. Hospital staff contend that shells and gunfire severely damaged equipment on the top floor and that at least two patients died because of damage to the oxygen supplies. None of the Palestinians within the hospital was permitted to leave until 15 April.

66. It appears that, in addition to the denial of aid, IDF in some instances targeted medical personnel. Before the Jenin incursion, on 4 March, the head of the PRCS Emergency Medical Service in Jenin was killed by a shell fired from an Israeli tank while he was travelling in a clearly marked ambulance. On 7 March, a staff member of UNRWA was killed when several bullets were fired by Israeli soldiers at an UNRWA ambulance in which he was riding near Tulkarm in the West Bank. On 3 April, a uniformed Palestinian nurse was reportedly shot by IDF soldiers within Jenin camp

and on 8 April an UNRWA ambulance was fired upon as it tried to reach a wounded man in Jenin.

67. The Government of Israel repeatedly charged that medical vehicles were used to transport terrorists and that medical premises were used to provide shelter. This, according to Israel, necessitated the strict restrictions on humanitarian access. Furthermore, in the specific case of Jenin camp, IDF spokesmen attributed denials of access to the clearance of booby traps after the fighting had subsided. The IDF spokesman also maintained that the "Palestinians actually refused our offers to assist them with humanitarian aid" and that "everyone who needed help, got help". There is a consensus among humanitarian personnel who were present on the ground that the delays endangered the lives of many wounded and ill within. United Nations and other humanitarian personnel offered to comply fully with IDF security checks on entering and leaving the camp, but were not able to enter the camp on this basis. Furthermore, United Nations staff reported that IDF had granted some Israeli journalists escorted access to the camp on 14 April, before humanitarian personnel were allowed in. United Nations personnel requested similar escorted access to assess the humanitarian condition of people in the camp, but were unsuccessful, despite assurances from senior IDF officials that such access would be possible.

68. On 15 April, 12 days after the start of the military operation, IDF granted humanitarian agencies access to the Jenin refugee camp. The Palestine Red Crescent Society and the International Committee of the Red Cross were permitted to enter the camp under military escort but reported that their movement was strictly confined to certain areas and further constrained by the presence of large quantities of unexploded ordnance including booby traps. After evacuating only seven bodies, they aborted their efforts. A United Nations team including two trucks with water and supplies was forbidden from unloading its supplies and was also forced to withdraw. Supplies were distributed to the camp inhabitants only beginning the following day, 16 April. Acute food and water shortages were evident and humanitarian personnel began calls for specialized search-and-rescue efforts to extract the wounded and the dead from the rubble.

69. Once IDF granted full access to the camp on 15 April, unexploded ordnance impeded the safe operations of humanitarian personnel. Non-United Nations humanitarian agencies reported that large amounts of unexploded ordnance, explosives laid by Palestinian combatants as well as IDF ordnance, slowed their work. Negotiations carried out by United Nations and international agencies with IDF to allow appropriate equipment and personnel into the camp to remove the unexploded ordnance continued for several weeks, during which time at least two Palestinians were accidentally killed in explosions.

G. Recent events in other Palestinian cities

70. Brief descriptions of recent events in Ramallah, Bethlehem and Nablus follow.

Ramallah

71. Ramallah was the first city occupied by the Israeli Defence Forces in Operation Defensive Shield. IDF entered on 29 March and withdrew from most of Ramallah on 20 April and the remaining sections of the city on 30 April. While many of the features of the incursion were common to incursions in other cities — a curfew, the severing of telephone, water and electricity services to most of the city, the prevention of the delivery of humanitarian assistance, and detentions — the status of Ramallah as the administrative centre for the Palestinian Authority appeared to be a factor in the actions of IDF.

72. The Government of Israel avers that Ramallah has played a central role in terrorist attacks against Israeli civilians because of the presence there of the headquarters of a number of Palestinian security forces (the National Security Force, Preventive Security, Civil Police and Force-17) and the cooperation between those security forces and militant groups. According to IDF, militant groups both collaborate with the security forces and enjoy their protection. The Government of Israel contends that Fatah, which is headquartered in Ramallah and shares personnel with Palestinian Authority security forces, is a terrorist organization. It asserts that the Popular Front for the Liberation of Palestine also uses Ramallah as its base of operation and that Hamas uses Ramallah as a "relay station" for suicide attacks. The Palestinian Authority denies any involvement of its security forces in terrorist attacks.

73. During the course of the military operation in Ramallah, Palestinian Authority civil institutions suffered extensive damage. Reports of human rights

monitoring groups contend that those institutions were specifically targeted by IDF, and the World Bank stated in a report that the offices of 21 ministries and agencies were entered and ransacked to varying degrees. According to the Palestinian Authority, IDF entry into the Authority offices appeared to be focused on information-gathering. They cite the common removal of computer servers, hard disc drives, computers and paper records as indicative of this goal. The World Bank states that the destruction was focused on office equipment, computers and data storage facilities; it estimates replacement and repair costs for Palestinian Authority office interiors at $8 million. In addition, the Authority asserts that IDF made efforts to disrupt the ministries' capacity to function effectively, pointing to what they believe was the systematic destruction of office and communication equipment and removal or destruction of records and data from ministries. Records from the Education, Health and Finance Ministries and the Central Bureau of Statistics were removed during the operation and, as at 7 May, had not been returned. The Palestinian Authority and non-governmental organizations cite cases of vandalism and theft of private property. IDF also caused heavy destruction at the compound of Chairman Arafat. The Government of Israel has denied that IDF personnel engaged in systematic destruction, vandalism and theft during Operation Defensive Shield.

Bethlehem

74. On 2 April, IDF entered Bethlehem using tanks and armoured personnel carriers. Exchanges of fire occurred around the city on 2 and 3 April. IDF assert that Palestinian militants fired on Israeli soldiers from churches, while the Palestinian Authority says that IDF attacked civilians and clerics on church premises. On 4 April, according to IDF, Palestinian militants took over the Church of the Nativity. The Palestinian Authority contends that on 3 April 150 people, including women and children, sought refuge in the Church. Israeli forces surrounded the Church of the Nativity and for 37 days a stand-off ensued. Israeli forces withdrew from the city on 10 May, three weeks after the formal end of Operation Defensive Shield, after the conclusion of protracted negotiations over the fate of Palestinian militants who had sought refuge in the Church of the Nativity.

75. The Israeli Defence Forces assert that Bethlehem had been a base for operations of the Al Aqsa Martyrs Brigades, Hamas, Palestinian Islamic Jihad and the Popular Front for the Liberation of Palestine. According to IDF, five attacks on Israelis emanated from Bethlehem from 18 February to 9 March 2002, which resulted in the deaths of 24 people and dozens wounded. IDF say that the Al Aqsa Martyrs Brigades claimed responsibility for four of those attacks.

76. A curfew was imposed on Bethlehem and its surrounding villages from 2 April, and from the start of the incursion IDF declared Bethlehem a closed military area. From 2 April to 10 May, the Israeli forces lifted the curfew in parts of the greater Bethlehem area approximately every three days for periods of two to four hours. According to an Israeli human rights organization, in some of Bethlehem's nearby villages it became difficult to obtain medical care during the brief liftings of the curfew because of the need for residents to travel to Bethlehem or other larger towns to visit hospitals or clinics. As a result, pregnant women were unable to get prenatal care and people with chronic medical problems were unable to replenish medications or receive care. One village, al-Walaja, remained under round-the-clock curfew from 2 April to 10 May.

Nablus

77. The IDF incursion into Nablus began on 3 April 2002 and ended on 21 April. Heavy fighting reportedly occurred in various parts of the city, the most intense combat happening in the old city. Most accounts estimate that between 70 and 80 Palestinians, including approximately 50 civilians, were killed in Nablus during the operation. IDF lost four soldiers during the incursion. Of all the Palestinian cities entered during Operation Defensive Shield, Nablus appears to be the one that suffered the most extensive physical damage to property. This is in part because of the substantial damage to the old city, some of which had been restored with the help of UNESCO. According to the World Bank, the reconstruction costs for Nablus alone account for approximately $114 million, more than one third of the total reconstruction cost for all of the cities affected by Operation Defensive Shield.

78. After encircling Nablus on 3 April, IDF entered the city using helicopter gunships, tanks, armoured personnel carriers and ground troops. From 6 to 11 April the most intense fighting occurred in the warren of narrow streets in the old city, where armoured bulldozers were put to use destroying buildings to clear a path for the entry of tanks. By 11 April, most of the

fighting had ended. IDF imposed a curfew on 3 April and completely lifted it on 22 April. The first temporary lifting occurred on 10 April for one hour, and thereafter IDF lifted the curfew for two to three hours approximately every two days.

79. The Israeli Defence Forces have alleged that Nablus is a centre for the planning and organization of terrorist attacks on Israel and say that groups in the city directed the work of militant groups in the northern part of the West Bank. IDF hold those groups responsible for 19 attacks in 2002, which resulted in 24 deaths and 313 people injured. According to IDF, the various militant groups operated cooperatively, with Palestinian Islamic Jihad planning attacks, Hamas preparing explosives and Fatah/Tanzim providing suicide bombers.

80. As a result of Operation Defensive Shield and the earlier incursions, IDF assert that 18 explosives laboratories, seven Qassam rocket laboratories, 10 explosive belts, and hundreds of kilos of explosives were found in the old city of Nablus and the nearby Balata refugee camp. They say they found tunnels for hiding and smuggling arms under the old city and discovered arms caches in the homes of the mayor of Nablus and the city's police commander.

81. Humanitarian and human rights groups report that the population of Nablus was particularly affected by the extent of the fighting as well as by the curfew. Substantial portions of the city suffered from water, electricity and telephone cuts throughout the operation. There are also reports of Israeli forces severely hampering the movement of medical personnel and ambulances. The substantial destruction in Nablus included houses, numerous other buildings and religious and historical sites. According to local Palestinian Authority officials, 64 buildings in the old city, including 22 residential buildings, were badly damaged or destroyed and up to 221 buildings suffered partial damage.

H. Observations

82. As I wrote on 3 May 2002 to the President of the Security Council, I share the assessment of President Ahtisaari and his fact-finding team that a full and comprehensive report on recent events in Jenin, as well as in other Palestinian cities, could not be made without the full cooperation of both parties and a visit to the area. I would, therefore, not wish to go beyond the very limited findings of fact which are set out in the body of the text. I am nevertheless confident that the picture painted in this report is a fair representation of a complex reality.

83. The events described in this report, the continuing deterioration of the situation and the ongoing cycle of violence in my view demonstrate the urgent need for the parties to resume a process that would lead back to the negotiating table. There is very wide support in the international community for a solution in which two States, Israel and Palestine, live side-by-side within secure and recognized borders, as called for by the Security Council in resolution 1397 (2002). I believe that the international community has a compelling responsibility to intensify its efforts to find a peaceful and durable solution to the Israeli-Palestinian conflict, as a key element in the search for a just, lasting and comprehensive settlement in the Middle East based on Security Council resolutions 242 (1967) and 338 (1973).

Annex I

Letter dated 3 June 2002 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General

Enclosed please find the Palestinian report on the recent events that took place in Jenin and in other Palestinian cities. For practical reasons, the annexes to the report have been submitted to the United Nations Special Coordinator's Office. This report is being submitted with the intention of assisting you in preparing your report, requested in paragraph 6 of General Assembly resolution ES-10/10, adopted on 7 May 2002 by the General Assembly at its resumed tenth emergency special session. It is also being submitted in response to the letter addressed to me by the Under-Secretary-General for Political Affairs, which requested that the Palestinian Authority provide any information relevant to the implementation of that resolution.

The Palestinian report is composed of the following sections:*

Section I. Main submission

Section II. Support documents

1. Letters from the Permanent Observer Mission of Palestine to the United Nations to the Secretary-General, the President of the Security Council and the President of the General Assembly (see documents of the tenth emergency special session)
2. Israeli position on the fact-finding committee on the Jenin refugee camp/names of some Israeli persons who might be implicated in the atrocities committed against the Palestinian people
3. Chronology of events from 29 March to 15 May 2002 (prepared by the Palestinian Academic Society for the Study of International Affairs)
4. Summary/indicative information on the annexes
5. List of annexes

Section III. Annexes

1. Palestinian Authority reports
2. International non-governmental humanitarian and human rights organizations
3. Israeli human rights organizations
4. Palestinian non-governmental organizations and institutions (humanitarian and human rights organizations)
5. United Nations related reports

* Only section I is reproduced in the present document.

6. World Bank
7. Local Aid Coordination Committee/Donor Support Group
8. Media
9. Video tape (22 minutes from local and international media archives)
10. Photographs (150 photographs)

We trust that your report will be accurate and comprehensive. We also believe that it is necessary for the report to contain specific conclusions and recommendations to Member States and relevant organs of the United Nations. The international community must be enabled to know the facts of what occurred and to respond to them so that the atrocities committed by the Israeli occupying forces in the Occupied Palestinian Territory, including Jerusalem, are not repeated. This would then open the road for the establishment of real peace in the region.

(*Signed*) Nasser **Al-Kidwa**
Ambassador
Permanent Observer of Palestine to the United Nations

Attachment

Palestinian report submitted to the Secretary-General, pursuant to General Assembly resolution ES-10/10 of 7 May 2002, on the recent events in Jenin and in other Palestinian cities

Section One: Main Submission

Introduction

This report on the recent events that occurred in Jenin and in other Palestinian cities in the Occupied Palestinian Territory is being submitted by the Palestinian Authority to the United Nations Secretary-General with the intention of assisting him in preparing the report requested in paragraph 6 of General Assembly resolution A/ES-10/10, adopted on 7 May 2002 by the resumed tenth emergency special session. The report, including this main submission, also addresses Israeli actions prior to 29 March 2002 and some overall longstanding policies and practices of Israel, the occupying Power, as a necessary background for understanding the recent events that occurred in many Palestinian populated centers, including the cities of Ramallah, Bethlehem, Nablus, Tulkarem, Qalqilya, Jenin and Al-Khalil. Earlier, the Palestinian people had hoped that the fact-finding team established by the Secretary-General would, in implementation of Security Council resolution 1405 (2002), be enabled to present a comprehensive report on the events that took place in the Jenin refugee camp. This, regrettably, was not possible due to Israel's refusal to cooperate with the fact-finding team and with the Secretary-General and its rejection of the Council's resolution.

The Palestinian Authority sought to undertake its own investigation into the events of the last two months, to document cases and to provide complete and reliable evidence required to assess the atrocities and serious violations of international humanitarian law that were committed by the Israeli occupying forces. However, Israel's systematic and continuous attacks on Palestinian Ministries and other official bodies and local government institutions, combined with the continuous military siege, have severely obstructed basic functions of government and have effectively prevented the Palestinian Authority from fully undertaking such a comprehensive investigation. In submitting this report, the Palestinian Authority wishes to also draw the attention of the U.N. Secretary-General to the findings presented in the support documents as well as in the annexes of the report, including the video and photographs.

The Palestinian Authority condemns the refusal of the Israeli government, in reversal of its own position, to comply with Security Council resolution 1405 (2002) and its refusal to cooperate with the fact-finding team and with the Secretary-General. In condemning this Israeli position, the Authority joins the worldwide condemnation of such an Israeli position, which impeded efforts to establish the facts in a quick and determined manner. This refusal falls in line with Israel's refusal to comply with relevant Security Council and with its legal obligations and responsibilities under the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949.

Israel, the occupying Power, has persistently rejected the *de jure* applicability of the Fourth Geneva Convention to the Arab territories it occupied in 1967, despite the international consensus affirming the Convention's applicability, including in 26 Security Council resolutions. In addition, it has consistently disregarded the provisions of the Convention and the international humanitarian law principle concerning the protection of the civilian population under occupation. Israel's refusal to accept the applicability of the Fourth Geneva Convention to the Occupied Palestinian Territory, including Jerusalem, has rendered the internal mechanism of the Convention inoperable. Moreover, the High Contracting Parties have failed to adopt measures to ensure compliance by the occupying Power with the provisions of the Convention and have thus failed to ensure respect of the Convention "in all circumstances" in accordance with article 1 common of the four Geneva Conventions.

Consequently, over the last 35 years, the Palestinian population in the Occupied Palestinian Territory, including Jerusalem, has been left without any effective protection against Israel's oppressive policies and measures, including its excessive use of lethal force. The absence of enforcement has fostered an environment in which Israel acts with impunity, disregarding international humanitarian law, international law and the will of the international community.

An important attempt to redress this situation has been the convening of the Conference of High Contracting Parties on Measures to Enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem, at Geneva on 15 July 1999, and the resumption of this Conference on 5 December 2001. An extremely important Declaration was adopted by the participating High Contracting Parties at the resumed Conference of 5 December, which, *inter alia*, affirmed that *"the Fourth Geneva Convention has to be respected in all circumstances"*. The Declaration specified the legal obligations of the parties to the conflict, of the occupying Power and of the States Parties. Such an important document should provide the basis for further action to ensure respect of the Convention in the Occupied Palestinian Territory, including Jerusalem.

The Palestinian Authority submits this report with the expectation that the U.N. Secretary-General will present a report that is both accurate and comprehensive. It is necessary for the report to contain specific conclusions and recommendations to Member States and relevant organs of the United Nations. The international community must be enabled to know the facts of what occurred and to respond to them so that the atrocities committed by the Israeli occupying forces in the Occupied Palestinian Territory, including Jerusalem, are not repeated. This would then open the road for the establishment of real peace in the region, including a final settlement of the Israeli-Palestinian conflict.

We expect the Secretary-General to also help in formulating the response, including cooperative efforts aimed at bringing Israel into compliance with relevant Security Council and with international humanitarian law; establishment of mechanisms to ensure the protection of the Palestinian population; and support of efforts to establish legally required mechanisms to determine accountability for violations of international humanitarian law, in particular war crimes, including the commission of grave breaches of the Fourth Geneva Convention.

Factual and Legal Context

"The Palestinians must be hit and it must be very painful. We must cause them losses, victims, so that they feel the heavy price." Israeli Prime Minister Ariel Sharon, 5 March 2002

An informed understanding of Israel's policies and practices, including the systematic and deliberate violation of the basic rights of the Palestinian population as defined by international humanitarian law and human rights law, is necessary for an accurate understanding and assessment of Israeli actions throughout the last two months. The context in which any assessment must be made is the context of foreign occupation.

The Israeli occupation and the policies and practices executed by the occupying Power have been driven by an overriding and ongoing Israeli goal to actively colonize the Palestinian Territory, including Jerusalem, with a vast and continuously expanding colonial structure manifested in the form of illegal Israeli settlements. The occupying Power, since the beginning of the occupation in 1967, has illegally transferred more than 400,000 Israeli civilians into the Occupied Palestinian Territory, including Jerusalem. It has confiscated Palestinian land, exploited and abused natural resources and created a separate structure of life, including a different system of law, to carry out its illegal settlement campaign, which is the only remaining colonial phenomenon in the world at the beginning of the 21st century.

Israel's 35-year settlement campaign has not been, and could not have been, executed without the forceful dispossession and confinement of the indigenous Palestinian population. Moreover, to gain the full submission of the entire occupied population to Israel's expansionist designs on the Palestinian Territory, Israel has systematically employed countless repressive means, including socioeconomic suffocation, detention, deportation, home demolition, collective punishments, the use of lethal force and, more recently, the use of heavy weaponry reserved for warfare.

Over the past 20 months, Israel, the occupying Power, has waged a bloody military campaign against the Palestinian people and has escalated many of its unlawful policies and practices, routinely violating the provisions of international humanitarian law guaranteeing protection to the Palestinian civilian population, in addition to violating the existing agreements between the two sides. Since the beginning of the Al-Aqsa intifada on 28 September 2000, which began in response to the infamous visit of Mr. Ariel Sharon to Al-Haram Al-Sharif, Israel has been expanding its use of "retaliation" and "deterrence" and intensifying its illegal practices, including willfully killing civilians; using excessive, disproportionate and indiscriminate force; using lethal force against demonstrators, including children throwing stones; imposing military siege and severe restrictions on the movement of persons and goods; imposing collective punishments; targeting of ambulances and medical personnel and obstructing their access to the wounded; and destroying agricultural fields and uprooting of trees. Israeli occupying forces also bombarded and destroyed many institutions of the Palestinian Authority, including police and security installations, and even the Gaza International Airport. These serious violations and breaches of international humanitarian law have caused extensive harm to the Palestinian civilian population, the Palestinian infrastructure and the Palestinian Authority and its institutions.

On 29 March and throughout the period under report, the Israeli occupying forces waged a large-scale military assault against the Palestinian people, unprecedented in its scope and intensity since the start of the Israeli occupation. The Israeli occupying forces invaded and reoccupied most Palestinian populated centers, including cities, villages and refugee camps and practically all areas under Palestinian control in the West Bank. The Israeli occupying forces dramatically increased the indiscriminate use of lethal force, using heavy weaponry, including tanks, helicopter gunships and warplanes, to attack and, in some cases bombard, heavily populated Palestinian areas. A large number of Palestinians, including civilians, were killed, many willfully. The occupying forces also continued the practice of extrajudiciary executions, using snipers, helicopter gunships and sometimes tank fire, killing identified people as well as others. In some cases, extrajudiciary executions were even carried out against surrendered fighters and people in Israeli custody

While the exact number of Palestinians killed is still not final, given the circumstances of the situation on the ground, as of now reports indicate that 375 Palestinians were killed from 29 March to 7 May 2002. Hundreds Palestinians were also wounded, many suffering permanent disabilities as a result of serious injuries, in addition to suffering psychological and mental trauma, which has been especially prevalent among children.

The Israeli occupying forces also imposed harsh measures of collective punishment against hundreds of thousands of Palestinian civilians, including a widespread military siege and extensive curfews, often lasting for days. Such policies and measures led to a critical shortage of basic necessities, including food and medicines; a situation that was dramatically worsened by the restrictions and, in many cases, complete prevention of emergency ambulances and humanitarian aid from reaching those in need. In several cases, this even included the prevention of the removal and burial of the Palestinian dead. Attacks also targeted some medical installations, including hospitals. Moreover, some areas were declared closed military zones and made completely off-limits to the media. Palestinians were also continuously subjected to humiliation and harassment by the Israeli occupying forces at the numerous roadblocks and checkpoints throughout the Occupied Palestinian Territory. Many Palestinians died after being prevented by the occupying forces at such roadblocks from reaching hospitals or clinics to receive medical care. In addition to the increased number of roadblocks, the Israeli occupying forces also obstructed movement by digging trenches and bulldozing roads as well as erecting barbed wire in many locations.

During the period under examination, the Israeli occupying forces also rounded-up thousands of Palestinian males and approximately 7,000 were detained by Israel in a mass arbitrary detention. Many of the detainees were subjected to ill-treatment and, according to reports, some were tortured. The occupying forces raided and searched innumerable Palestinian homes, humiliated and harassed residents and in many instances looted homes. An even more condemnable practice was the use of Palestinian civilians as human shields while conducting those searches and while carrying out military advances in Palestinian cities, villages and refugee camps.

The Israeli occupying forces also invaded the headquarters of President Yasser Arafat in the city of Ramallah and imposed a strict military siege, while carrying out almost continuous

military actions, which endangered the safety and well being of the persons inside the headquarters, including the President. The occupying forces also imposed a military siege on the Church of the Nativity, the birthplace of Jesus Christ, in the city of Bethlehem, seeking several Palestinians who took refuge in the Church. During the more than five-week siege, the Israeli occupying forces repeatedly endangered the integrity of the Church and actually caused some destruction, including fire damage, to parts of the Church compound. In addition, the Israeli occupying forces attacked several other churches and mosques in several Palestinian cities, causing damage to them.

The Israeli occupying forces, during the same period of time, also caused broad and extensive destruction to the Palestinian infrastructure in all major Palestinian cities and refugee camps, including to electricity and water networks and to roads. Reports indicate that the occupying forces destroyed and/or damaged about 4,000 structures, including houses and institutions. Some of the structures destroyed by the occupying forces were in historic areas, such as the Old City of Nablus, which suffered extensive damage. The occupying forces destroyed property belonging to several Palestinian Ministries, such as the Ministries of Education and Agricultural, including computers, records and furniture. The occupying forces also destroyed various other Palestinian properties, including 350 vehicles, among them several ambulances.

The World Bank assessed the overall damage incurred during the period under report at US$361 million, in addition to the assessment of US$305 million worth of destruction caused by the occupying forces during the preceding 18 months. These estimates of course do not include the much more substantial losses in terms of loss of income suffered by the whole population and the destruction of the nascent Palestinian economy, which is being estimated by the Palestinian side to stand at US$3 billion for the entire 20 month period.

Then comes the Israeli military assault on the Jenin refugee camp, one square kilometer in which 13,000 Palestine refugees, who were uprooted from the homes and properties in 1948, had been living. The assault began on 3 April and continued for 10 days. The Israeli occupying forces used helicopter gunships to fire TOW missiles against such a densely populated area. The occupying forces also used anti-aircraft guns, able to fire 3,000 rounds a minute. They deployed scores of tanks and armored vehicles equipped with machine guns and used snipers. The occupying forces also used bulldozers to raze homes and to burrow wide lanes throughout the camp, knocking down whole blocks of homes, in many instances while the inhabitants were still inside. The occupying forces intensively used civilians in the camp as human shields while conducting this military assault.

Most of the camp was obliterated and most of its inhabitants were displaced for the second time in their lives. A number of Palestinian fighters resisted the Israeli military assault and were armed only with rifles and, as some reports indicate, crude explosives. The Israeli occupying forces had complete and detailed knowledge of what was happening in the camp through the use of drones and cameras attached to balloons that monitored the situation, indicating complete control of the situation by the commanders and that none of the atrocities committed were unintentional.

The occupying forces, even after the end of the Israeli military actions in the Jenin camp, continued to prevent international humanitarian organizations, including the International Committee of the Red Cross (ICRC) and UNRWA, from entering the camp to treat the wounded and to deliver emergency medicine and food aid, including for children, women and the elderly, for more than 11 days. As a result of all of the above, numerous Palestinians were killed, including some that had been buried under the rubble of bulldozed homes. Some are still missing and many were wounded and seriously traumatized. It is an understatement that the entire population of the Jenin refugee camp experienced horrific suffering throughout and as a result of this Israeli military assault.

Many credible sources have reported about atrocities committed in the camp and about the presence of *prima facie* evidence of war crimes. In addition, it is probable that a massacre and a crime against humanity might have been committed in the Jenin refugee camp - a probability that was enhanced by the statements made at some point by the occupying forces about hundreds of Palestinians being killed in the camp and their reported attempts to move bodies from the camp to what they referred to as the graveyards of the enemy.

The broad Israeli military assault continued in full defiance of Security Council resolution 1402 (2002) of 30 March 2002 and even Security Council resolution 1403 (2002) of 4 April 2002, which demanded the implementation of resolution 1402 (2002) "without delay". Israeli occupying forces only withdrew from the last Palestinian city after 6 weeks from the beginning of the assault and even then maintained a hermetic siege on the cities and maintained the reoccupation of large parts of surrounding areas through a heavy military presence. Since then, the Israeli occupying forces repeatedly raided and reoccupied parts of those cities, at times for days, killing and abducting people and causing further destruction and acting in a way intended to erase the lines defining the Palestinian-controlled areas under existing agreements.

It is apparent that the above-mentioned Israeli atrocities, committed during the period under report, were intended to cause the socioeconomic collapse of the Palestinian society. They aimed to destroy not only the present but also the future of the Palestinian people, including the destruction of the Palestinian Authority. The current Israeli attempts to institutionalize the situation created by the Israeli military assault as the norm, through the creation of several isolated areas and through the reemergence of the civil administration of the Israeli military government, are just further proof in this regard. In fact, the Israeli political aim has clearly been to take us back to a pre-Oslo situation, only under severely devastated living conditions for the Palestinian people.

In sum, the Israeli occupying forces have, without a doubt, committed serious violations of international humanitarian law. Also, without a doubt, war crimes, including grave breaches of the Fourth Geneva Convention, have been committed by Israel, the occupying Power, in several Palestinian cities, including in the Jenin refugee camp. Those war crimes include "willful killing", "inhuman treatment", "unlawful confinement of protected persons" and "extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly". These have been committed in addition to countless other grave breaches as defined in Additional Protocol I to the Geneva Conventions. This is clear and

documented. What is now necessary is an accurate assessment of the exact scope of these atrocities.

It is imperative to stress the personal responsibility of the perpetrators of the above-mentioned war crimes at both the political level, which might have given the orders, and, more obviously, the military level, including the commanders and soldiers of the military units that committed those atrocities. In this regard, the personal responsibility of General Shaul Mofaz, the Chief of Staff of the Israeli army, is very clear. The liability of every High Contracting Party to the Fourth Geneva Convention, in accordance with article 148, whether incurred by itself or another in respect of grave breaches of the Convention, must also be stressed.

In addition, many of the above-mentioned Israeli actions constitute State terrorism, as actions aimed at harming and terrorizing a population to serve and advance political ends, and, in this specific case, to force submission of the whole population. Reference must also be made to settler terrorism committed by the many armed and extremist illegal settlers against Palestinian civilians.

Israel, the occupying Power, has tried to justify its actions during the last two months, as well as during the preceding 18 months, as actions against "terrorists", with the aim of destroying the "terrorism infrastructure". It should be pointed out that no argument and no reasoning can justify serious violations and grave breaches of international humanitarian law. Further, the record shows clearly that the nature of the actions taken, the amount of harm inflicted on the population and the practical results prove completely different political goals, as noted above. In this regard, the Israeli occupying forces have consistently targeted the Palestinian police and security forces, instead of "terrorists", and have consistently tried to destroy the Palestinian Authority and declared it an "enemy", instead of groups hostile to peace in the Middle East.

Further, Israel, the occupying Power, cannot, under any circumstances, be allowed to conceal or distort the fact that it exists in the Palestinian Territory, including Jerusalem, as an occupying Power and that the origin of all the problems is the existence of this occupation. This applies to the degree of frustration, despair and hopelessness that has greatly contributed in the creation of suicide bombers.

In this regard, the Palestinian Authority has taken a very clear position against, and has repeatedly condemned, suicide bombings against civilians in Israeli cities. Israeli occupying forces in the Occupied Palestinian Territory and Palestinian reactions to their presence and conduct are a completely different matter under international law however. The Palestinian people have the right to resist occupation and even the duty to defend themselves and to resist Israeli military attacks, a situation to which international humanitarian law is still fully applicable. The policy of the Palestinian Authority remains the pursuit of a peaceful settlement to end the Israeli occupation, to establish the State of Palestine and to achieve peace in the region. That, however, does not change the legal nature of the status of occupation or of any possible Palestinian actions in the Occupied Palestinian Territory, including Jerusalem. In the end, it is the hope that can replace the prevailing frustration and it is political progress and not military action that will create a culture of peace based on a two-state solution.

As of the date of the submission of this report, Israel, the occupying Power, continues to pursue its illegal political objectives as well as the accompanying illegal policies and practices in the Occupied Palestinian Territory, including Jerusalem. As such, the Palestinian people under occupation continue to suffer from Israeli human rights violations, war crimes and State and settler terrorism. The occupying Power continues to act with intransigence and impunity, flouting international humanitarian law and international law and disregarding relevant Security Council resolutions and the will of the international community.

Conclusions and Recommendations

The culture of impunity that exists within both the Israeli political and military echelons is of grave concern to the Palestinian Authority because of the resulting daily humanitarian implications of the incessant illegal Israeli practices being carried out against the Palestinian people in the Occupied Palestinian Territory, including Jerusalem. As noted, it is the on-going failure of the international community to ensure Israeli respect for humanitarian law that has created this dangerous culture of impunity. Moreover, the inaction by States to provide adequate protection for the occupied Palestinian population has placed the burden of protection onto the Palestinian people themselves, seriously undermining the very purpose and indeed integrity of international humanitarian law.

The failure to ensure Israel's compliance with the Fourth Geneva Convention has had, and continues to have, far-reaching, detrimental consequences and implications. Israel's violations and grave breaches of the Convention have not only inflicted severe harm on the Palestinian civilian population but have also resulted in decreased security for both Israeli and Palestinian civilians. The failure to ensure Israeli compliance has also directly and negatively impacted the ability of the Israeli Government and the Palestine Liberation Organization to reach a just, comprehensive and lasting peace.

On the basis of all of the above, the Palestinian Authority wishes to make the following recommendations:

- The Palestinian Authority calls upon the High Contracting Parties to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, Switzerland, in its capacity as depositary of the Convention, and the ICRC to ensure respect of the Convention in accordance with article 1 common of the four Conventions. In this regard, the Palestinian Authority specifically calls upon them, individually and collectively:

    - To intensify their efforts to fully adhere to and implement the Declaration of 5 December 2001 and to take further action based on that Declaration.

    - To consult on and utilize their foreign policy instruments and mechanisms. (For example: Enforcing article 2, human rights clause of the EC-Israel Association Agreement; ensuring the proper application of trade agreement regarding rules of

origin; ensuring that sales of military equipment to Israel not be used against the Palestinian population.)

- To consider mechanisms to enable Palestinian victims of Israeli violations of international humanitarian law to receive compensation as part of alleviating their humanitarian suffering.

- To arrange their cooperative efforts in such a way as to prevent attempts by States to block enforcement of international humanitarian law.

- The Palestinian Authority calls upon the U.N. Secretary-General to encourage the above-mentioned actions by the High Contracting Parties and to encourage actions to ensure that the protection of the civilian population under belligerent occupation is not subject to negotiations between the occupying Power and the occupied population.

- The Palestinian Authority calls upon the U.N. Security Council to fulfill its responsibilities under the Charter of the U.N. for the maintenance of international peace and security, and accordingly calls upon the Council to play an active role and to ensure compliance with its own resolutions.

- The Palestinian Authority calls upon the General Assembly to continue its valuable work in upholding international law and in support of the realization of the rights of the Palestinian people. It specifically calls upon the Assembly to continue, in the case of failure of the Security Council to act, with the valuable work of the tenth emergency special session, in accordance with Uniting for Peace resolution 377 (V) of 1950.

- The Palestinian Authority calls upon the United Nations and the Secretary-General to establish an international presence to monitor compliance with international humanitarian law, to help in providing protection to Palestinian civilians and to help the parties to implement agreements reached. In this regard, the Palestinian Authority calls for serious follow-up of the Secretary-General's proposal for the establishment of a robust and credible multinational force under Chapter 7 of the Charter of the U.N.

- The Palestinian Authority calls for efforts by States on the national level to investigate and prosecute the perpetrators of grave breaches of the Fourth Geneva Convention.

- The Palestinian Authority calls for the establishment of an international criminal tribunal to investigate and prosecute alleged war crimes committed in the Occupied Palestinian Territory, including Jerusalem. It calls for the establishment of such a tribunal by the Security Council or, alternatively, by the General Assembly.

Annex II

Note verbale dated 31 May 2002 from the Permanent Mission of Qatar to the United Nations addressed to the Secretary-General

The Permanent Mission of the State of Qatar to the United Nations presents its compliments to the Secretary-General of the United Nations and, in reference to his note dated 14 May 2002 in which he requested the Government of the State of Qatar to submit information relevant to the implementation of paragraph 6 of resolution ES-10/10 adopted by the General Assembly at its resumed tenth emergency special session on 7 May 2002, has the honour to forward herewith a videotape of Al-Jazeera Channel containing the requested relevant information.

Annex III

Note verbale dated 2 July 2002 from the Permanent Mission of Jordan to the United Nations addressed to the Secretary-General

The Permanent Representative of the Hashemite Kingdom of Jordan presents his compliments to the Secretary-General of the United Nations and has the honour to refer to the latter's notes verbales dated 14 May and 4 June 2002, regarding relevant information to facilitate the preparation of the report requested under paragraph 6 of General Assembly resolution ES-10/10 of 7 May 2002.

The Permanent Representative of the Hashemite Kingdom of Jordan to the United Nations further has the honour to inform the Secretary-General that the Permanent Mission of the Hashemite Kingdom of Jordan to the United Nations has received pertinent information from Amman relating to the events in Jenin and elsewhere in the occupied Palestinian Territories, which it hopes will be helpful to the Secretary-General. The information is attached to this note verbale.

Attachment

[Original: Arabic]

Direct eyewitness accounts by survivors of the massacre at the Jenin refugee camp

The Israeli army began the siege of the Jenin refugee camp on 3 April 2002 and continued it for 13 days, during which time Israeli tanks, numbering approximately 200, attacked the camp with heavy fire. Apache helicopters and F-16 fighters joined in. The occupying forces cut off the supply of water and electricity in the camp and prevented ambulances, first aid vehicles and medical teams from entering the camp throughout the siege. On 10 April, the Israeli army attacked the camp and began a systematic operation to destroy houses, killing hundreds of young people. Eyewitness accounts have confirmed that the Israeli army carried out summary executions of captured Palestinians.

The present report contains a number of eyewitness accounts by casualties who survived the massacre and close relatives and friends of martyrs, inhabitants of the camp, volunteers who participated in the relief operations and journalists.

Eyewitness accounts by casualties treated in Jordanian hospitals

A mission from the Palestinian affairs service visited a number of casualties who escaped from the Jenin refugee camp and were being treated in Jordanian hospitals. It went to Al-Urdun hospital in Amman on 20 June 2002 and spoke to seven casualties who had seen for themselves what happened in the camp and were there during the siege and the shelling. They gave the following accounts:

Death of a group

Those in the camp are still telling the story of the seven young people who were hiding together in the room of a house where relatives and neighbours had the habit of meeting, the men and young men on one side and the women and children on the other. A mood of fear and apprehensiveness gripped these people, causing some of them to go outside to see what was happening, including one young man who went into the street then returned to the room where the others were gathered. However, an Apache helicopter which was hovering over the camp targeted the spot and fired a missile. The room was blown up and all seven young men were killed. Their bodies remained in the room for more than five days, since they were in the middle of the camp and nobody could reach them. When people were able to go there, the spectacle they encountered was horrible: bodies were dismembered and burnt, and body parts gave off an odour of decay. The victims were unrecognizable. One man said that when he entered the room he stumbled over the leg of a victim and fell in front of him. He tried to identify the body and was able to recognize one of his relatives by the spectacles his relative was wearing. People then began the operation of placing the body parts of each martyr in a separate bag for burial before the arrival of the mothers and sisters, in order to spare them the trauma of seeing the bodies of their loved ones mutilated and in pieces.

The martyr Jaber

The story of Jaber will remain buried in the memories of the inhabitants of the Jenin refugee camp, who are overcome by sadness when the story of his death is told, how he suffered before dying and the distress of the person who tried to save him and, unable to bring him help, stayed with him until he died in his arms. Jaber had been hit by fire from an Apache helicopter. An elderly man pulled him from the street into his house. He tried to find first aid for him but that was not possible because his injuries were so serious and because the ambulance team could not enter the camp. Jaber asked the owner of the house for water but the latter refused to grant his request out of fear for his life, on the ground that giving water to the injured caused a more rapid onset of death. Jaber continued to lose blood for hours and then began to die. The owner of the house placed a towel soaked in water on his lips and recited the shahada until Jaber took his last breath, and then placed a blanket on the body. Then the owner of the house fled with his family, since the Israeli army had already begun to destroy the houses in the camp.

After the withdrawal of the Israeli army, people began the operation of looking for casualties and the bodies of martyrs among the ruins of the houses with the help of simple equipment, such as building and agricultural tools. The search took a long time because there were tons of ruins. After approximately 25 days, when the search arrived at the site where Jaber had died, the owner of the house described how he had died and showed the rescue workers exactly where they would find his body. They found his remains covered with a blanket.

One of the Palestinian Red Cross volunteers thought that the martyr might be her brother, saying that her brother was wearing clothing which matched the tatters found on the body of the martyr. They then asked the owner of the house the name of the martyr, and he gave his name as Jaber Hosni Jaber. The girl was overwhelmed and began to run and howl and tear her garments. The girl was Hala, the sister of Jaber.

The martyrs Abdulkarim Al-Saadi and Jamal Al-Sibagh

The Israeli soldiers killed mercilessly. If they had the least doubt they shot and killed innocent people. This is what happened to Abdulkarim Al-Saadi and Jamal Al-Sibagh. Abdulkarim was approximately 20 years old and worked for the municipality of Jenin. He had been married for four months and his wife was expecting a baby. He suffered from chronic backache. When the Israeli army entered the camp, it assembled young men and men in the streets and squares, and Abdulkarim and his father left the house. The soldiers asked Abdulkarim to undress. When the soldier saw the medical corset around his waist, he thought that Abdulkarim was wearing a belt filled with explosives, and he fired a hail of bullets which went right through him causing his father to be covered in blood. The father in shock fell to the ground next to the body of his son.

The way in which Jamal Al-Sibagh was killed was scarcely different. Jamal was a young man, nearly 40 years old and diabetic. When the Israeli army asked the men and young men to leave the houses in order to be searched and arrested, Jamal was carrying a bag with his medication. When he began to undress on the orders of the soldiers, the zipper in his trousers jammed. He tried to unjam it, but the soldiers thought that he was going to act against them and fired at him. He was killed and his blood spattered a young child of five years who was by his side.

The martyrs Abu Siba and Muhammad Mufid

The inhabitants of the camp all know the story of Abu Siba, an old man of 80 who could not move because of his age. When the Israeli bulldozers and excavators began to destroy the neighbourhood of Hawashin, the soldiers destroyed his house and arrested his children, then began the operation of destroying the house regardless of the fact that Abu Siba was in the house and was unable to leave. Abu Siba died as the house collapsed.

Muhammad Mufid was mentally ill, as was obvious from his ragged appearance and his gait and movements. He spent his time wandering the streets and begging alms from those passing by. Despite his condition, soldiers opened fire on him, even though he represented no threat to them.

Eyewitness accounts

Many newspapers have published interviews with inhabitants of the camp who escaped when the siege was over. Press and television reporters were shocked when they entered the camp and heard accounts from survivors, who provided terrible details about the siege, the shelling and the killings.

The inhabitants of the camp described how the soldiers arrested them in humiliating conditions, obliging them to sleep for days on the ground, handcuffed and in undergarments. Water and bread were distributed to them once a day, and they had to beg in order to be allowed to urinate in an iron pot. The soldiers and the investigators from Shabak, the Israeli General Security Service, manhandled them and finally released the majority of them once they had been cleared of all suspicion.

One of the persons who had fled the massacre in the camp said that the search for bodies was carried out on the basis of citizens' accounts indicating the presence of martyrs in houses or streets which had become piles of ruins. He added that one of the escapees had informed the teams working in the camp that he had found the bodies of four martyrs. He showed them exactly where the spot was, stating that mechanical shovels had destroyed the houses after the death of the martyrs.

Those accounts include the following:

Testimony of Hajj Ahmad Abu Kharj

With his face all in tears, Hajj Ahmad Mohammad Khalil Abu Kharj walked up to his house, which had been bombed by the Zionist air force during the offensive against the camp, guiding rescue teams towards the room where the body of his 65-year-old sister, Yousra Abu Kharj, lay. He was seeing her for the first time since she had been killed on the third day of the attack. He broke down and sobbed when he saw the martyr's body on the ground, torn apart by shrapnel. It was an unbearable sight even for the members of the rescue teams. Mr. Abu Kharj made the following statement: "On the third day of the invasion, we heard a very loud explosion on the top floor of our house (a three-storey house), where my sister was getting her things together and preparing to join the 13 members of my family. They had fled to the ground floor, seeking refuge from the indiscriminate bombing. After the explosion shook the entire building, one of my sons went upstairs to look for my sister, but the endless bombing prevented him from entering the room where she was. Looking through the keyhole, he saw his aunt motionless on the floor, bleeding profusely. We

immediately called for an ambulance and asked the hospital and the Red Crescent to help us, but despite our successive pleas, no one was able to come and help us."

The Chief of the Red Crescent's Relief and Emergency Department made the following statement: "The family of Yousra Abu Kharj called us and told us that she was wounded and bleeding profusely. Immediately after that call, one of our emergency teams left for the camp. That is when armoured vehicles from the Israeli army fired on the vehicle carrying our team, preventing it from entering the camp. We then called the International Committee of the Red Cross, which made all the necessary contacts but was unable to ease the situation. As a result, we were not able to reach the Abu Kharj family to do our job." Unfortunately, that was not the end of it, for Hajj Ahmad, who is over 80, added: "A few hours after the explosion, an Israeli army unit composed of a number of soldiers forced its way into our house, searched us, confined us to one room, arrested four of my sons and took them away to unknown locations, then occupied the house, transforming it into a military barracks and taking up positions on the second floor. I asked the officer-in-charge for permission to go to the third floor to get my sister and make sure she was safe and sound. The officer refused at first, but when I insisted, he eventually told me that Yousra was dead and that I did not need to see her. I then asked for permission for the Red Crescent to remove the body to a hospital. That request was denied. We remained locked up on the ground floor while the martyr lay in her room. Afterwards, Israeli soldiers forced us, under threat of arms, to leave our home, expelling us and scattering family members. That is why I don't know what has happened to my daughters and my sons. This is a catastrophe and a real tragedy. My sister posed no danger to the Israeli soldiers. In no way was she threatening their lives. But despite that, they killed her in cold blood and left her body unburied for 16 days. Under what laws or rights are such crimes authorized?"

Testimony of the wife of martyr Nasser Abu Hatab

In an area near to the Al Damj district, the army of the Zionist enemy targeted Mr. Nasser Abu Hatab, a married man with four children, whose wife made the following statement: "I will never forget those moments. The soldiers, disregarding the laws guaranteeing the inviolability of the home, shot my husband in front of his children for no reason ... It was a Saturday afternoon, about 4 o'clock, on the third day of the offensive against the Jenin refugee camp. Israeli soldiers knocked on our door and my husband rushed to open. Terrible things happened. The soldiers grabbed my husband by his neck and immediately started shooting him, even though he had not kept them waiting, had not resisted in any way and had followed all their instructions. My husband fell to the ground, covered in blood. Horrified by what was happening, I began to scream and cry. The soldiers pointed their weapons at me, shouting "Sheket, sheket", and then locked me in another room with my children. That is when I called the hospital and the Red Crescent and asked them to help us and to save my husband's life. But the Israeli army refused the emergency teams permission to come to our house." Mr. Abu Hatab died in front of his wife and children. But what was even more horrible for them is the fact that the soldiers, having confined them for several hours, locked them up in the house as they left and ordered them not to remove the body. Mrs. Abu Hatab added: "I can't find words to describe conduct that was so contrary to the most basic human rights. The occupying army locked me up with my children in a room with my husband's corpse, ordering us not to bury it, not even in the little yard ... What life and what

future can my children look forward to after witnessing this bloodshed with their own eyes and being unable to help their father or bury his body, which remained unburied for a whole week?"

Story of martyr Ashraf Abu Al-Hija'

Another tragic story is that of the family of Ashraf Mahmoud Abu Al-Hija', a young man whose charred body was found at the home of one of his relatives in Jaourat Al-Dhahab, in the Jenin camp. Mr. Abu Al-Hija's family made the following statement: "When the aerial bombing and the shelling of our homes grew worse and the area where we lived became dangerous, we began to leave our house one by one and go to neighbours' houses. At that point, a shell fell at the entrance to the second floor, starting a fire. We began to scream, shouting to Ashraf to get out as soon as possible. We called the civil defence people and the emergency workers to come and rescue Ashraf, who we believed was under fire from all directions. We later learned that the shells had hit our child directly. He died on the spot and was burnt to a cinder." The Director of the Civil Defence Department made the following statement: "We received a call from Jaourat Al-Dhahab confirming that a house was on fire. We immediately dispatched one of our emergency teams, but unfortunately it was blocked by armoured vehicles of the occupying army. The soldiers opened fire on the civil defence vehicle, then on the ambulance, preventing us from reaching the bombed house." Abu Al-Hija's family stated that Ashraf's body remained unburied for over two weeks, until the Israeli army evacuated the area. In addition, occupation forces destroyed 90 per cent of the homes and killed a number of residents. Ashraf's mother made the following statement: "My son was in a civilian area, not a military area. Despite that, the Israeli army bombed it for over a week, until its bulldozers and armoured vehicles came in to finish off the job left undone by its aircraft. Clearly, those operations were planned in advance with the aim of wiping out men, women, children and buildings, in other words, all living creatures and anything that could remain standing."

Testimony of Mrs. Hind `Aweiss

Mrs. Hind `Aweiss, the mother of 10 children, stated that about a hundred Israeli soldiers invaded her house, remaining for five days and leaving nothing but ruins in their wake. According to what the residents reported, the soldiers behaved in a savage manner without any justification, making insolent remarks, pillaging household furniture, breaking a number of articles, writing the names of their military units on walls, and stealing money and items of value.

The soldiers who invaded Mrs. Hind `Aweiss's home asked all the occupants to leave. She refused, pointing out that she and her children had nowhere to go, because fighting was raging outside. Initially, the soldiers were content to occupy the two upper floors. They came back the next day and asked the occupants to evacuate the ground floor. Mrs. `Aweiss later made the following statement to reporters: "At that point, one of the soldiers grabbed my nephew Rateb, a boy of one and a half, held him under his arm, pointed his gun at his temple and threatened, in halting Arabic, to shoot him if we refused to leave. That is how they got us to leave." Mrs. `Aweiss added that the soldier who threatened to kill her nephew was not an officer, but that she could not identify him, because, like the other soldiers, he had covered his face with black paint. On the other hand, she knew the name of the unit to which he belonged because his companions in arms had written it in black

letters on the walls of her home. It was the Golani brigade. Mrs. `Aweiss also said that the soldiers set fire to her house before leaving. It was also possible that the fire was started by a helicopter strike.

Testimony of Oum Haitham

When they returned, the camp's residents began to search through the rubble for documents, identification papers, jewellery that they had buried underground before they were expelled from their homes, furniture and clothing. However, Oum Haitham found no trace of what had been her home, and all the clothing and furniture she was able to recover are unusable. She made the following statement: "They wiped us out and drove us out in the space of a few minutes, destroying the fruits of a lifetime of hardship and labour. Little Isra' wept bitterly when she reached the place where her house used to stand. She recognized it when she saw her father searching through the pillars and the debris littering the ground."

Testimony of Mr. Maher Hawwashin

Sitting on a cement block in the middle of the Jenin camp, his head in his hands, Mr. Maher Hawwashin contemplated the pile of rubble under which his memories and all his family possessions were buried. Mr. Hawwashin stated that after his house had been completely destroyed, he had been left without resources, not knowing how he and his family would have a roof over their heads and be able to meet their needs. For the time being, he was staying temporarily with his brother, until his problem and that of everyone whose house had been destroyed by the enemy troops was settled.

Testimony of persons injured by mine explosions

The camp residents live in terror, fearing for their future and their lives, following the repeated explosion of mines which the Israeli soldiers left behind. Mr. Abu Ahmad stated as follows: "They were not satisfied with destroying our houses; they also placed mines everywhere, so that our lives are constantly threatened. Last Sunday, for instance, as I was entering my house, a mine exploded, injuring me and my son Mohammed." The camp residents state that after soldiers had placed mines in the districts and in the houses, 10 of the devices had exploded, injuring 20 Palestinians, most of them children. The chief of the demining unit of the International Committee of the Red Cross stated that the unit had detected the presence of a large number of suspect devices and mines, which it had managed to remove and disable, while imploring the camp residents to cooperate with the unit to preserve their lives and safety. Moreover, the unit had formed several local volunteer teams composed of camp residents who would assist it in detecting and collecting mines and inspecting houses and local buildings.

Assad Faisal Arssane, aged 10, and Saad Subhi Al-Wahshi, aged 12, are two small boys who were playing with other boys their age in one of the camp alleys when they were injured by a mine which residents said was placed by soldiers of the occupying army. Assad, who had to undergo several surgical operations, stated as follows: "I was sitting with my friends from the district, talking about the raids and killings by the Israeli army. A device exploded as we began playing. I lost consciousness, and when I came round, I realized that I had lost all my limbs." The doctors at Jenin Hospital said that Assad was very critically injured and had to have

both arms and legs amputated. Saad, for his part, was burned and his body is full of shrapnel.

Testimony of journalists and humanitarian organizations

Even journalists were shocked by the scenes of horror that they witnessed in the Jenin camp. Some of them admitted that they had difficulty expressing and describing what they were seeing. Walid al-Amri, a reporter for the Qatar television station Al-Jazeera, stated: "While the Israeli authorities had decided to deny access to the Jenin camp to media outlets and to prosecute them, we were determined to overcome the difficulties and face up the dangers. We had managed to enter the camp in order to reveal the truth, which could only be determined by going there. But tanks and snipers tried to prevent anyone from entering the camp." Al-Amri was one of the first journalists to enter the Jenin camp during the massacre. He stated: "The road we had taken was dangerous and 'largely impassable. It wasn't easy to enter the camp, and the scenes that we saw from the first moment were dreadful. We saw burned and dismembered corpses and dozens of houses destroyed, to the point where it seemed we were in an area hit by a huge earthquake .... The scenes were especially terrible and tragic because the victims were Palestinians who had been driven from their homes 50 years earlier, and who had been driven out again by the very State that had been established on the ruins of their houses. ... The most terrible scenes were those of Palestinians, who had been encircled in their homes for over 20 years. ... The main question we were asking ourselves was how to save the lives of the survivors, after everything that had happened in the camp and after the unparalleled humanitarian situations we had seen there — people searching for live persons or corpses under the rubble, a mother or a father searching for their children, a child searching for his brothers and sisters and his family, or people searching for their homes under the ruins."

In New York, the United States journalist Mary Seral, a correspondent for the *Sunday Times*, said that she had seen many scenes in the camp, and that all the images that had been shown and broadcast did not reflect the reality. The facts showed that the Israeli army had deliberately destroyed the camp and attacked its population in violation of every law. Israeli soldiers prevented the family of the martyr Gamal Fayed from taking him out of his house, even though he was crippled, was not fighting and did not pose any security threat to the soldiers. As to the Chinese journalist Shu Suzki, a television cameraman, he stated, while wiping away tears: "I realize now that the whole world, without exception, is responsible for this tragedy. I have covered a great many events and tragedies around the world, but the scenes I have witnessed in the Jenin camp are the most violent and the ones that have touched me the most. All of the victims were civilians. The bodies that were found under the rubble were those of children, women and teenagers, and all were civilians. We discovered that some of them had not been fatally injured, and that their deaths were attributable to the fact that they had been unable to receive treatment. This is why I say again that a huge massacre was committed, and that any person who has a conscience anywhere in the world should work to bring an end to this war, this destruction and this tragedy."

Chips, the United States volunteer

Chips, a United States Red Cross volunteer, was one of the first persons to go through the streets of the Jenin camp, to which the medical units of humanitarian

relief organizations had been denied access for two weeks. Although she had taken part in many relief operations in a number of countries, Chips said that she was deeply shocked by what she had seen. She stated: "I shared and experienced with the Palestinians moments of pain and suffering as they tried for several days to enter the camp. But the Israeli army prevented them from doing so. In spite of the hundreds of calls for help from children and women and from the camp population in general, none of us was in a position to play our role and come to the aid of anyone. The tanks were everywhere and were even firing on the ambulances, backed up by snipers who were occupying a number of buildings. ... The Red Cross did what it could and set up countless contacts so that the Red Cross staff and ambulances, which display the organization's logo, could be permitted to bring relief to the injured and remove the bodies of the martyrs, but in vain. The Israeli army prevented us from moving, which is both horrible and contrary to international law." Describing the situation in the camp as catastrophic and tragic, Chips added: "When the Israeli army authorized us to enter the camp, it was too late. As soon as we set foot on the ground, we smelt the odour of death and of the corpses that the army had left in the streets and alleys and under the rubble. ... I have been to several regions of the world and have seen destruction of various kinds, but the scenes in the Jenin camp were different, terrible and tragic. We retrieved charred corpses and others that were rotting, and they all belonged to civilians, including women, children and elderly persons. Some bodies were buried under the rubble of houses destroyed by the army. It was a real massacre and the scenes were terrible."

Annex IV

[Original: Spanish]

Note verbale dated 7 June 2002 from the Permanent Mission of Spain to the United Nations addressed to the Secretary-General

The Permanent Mission of Spain to the United Nations presents its compliments to the Secretary-General of the United Nations and, in connection with his note of 14 May 2002, has the honour to transmit the report drawn up by the European Union on the events in Jenin and in other Palestinian cities.

Attachment

Report of the European Union

[Original: English]

The Presidency of the European Union transmits hereby to the Secretary-General of the United Nations the report on the events that took place in Jenin and other Palestinian cities during the month of April. This report has been elaborated by the European Union Consul Generals in Jerusalem and the heads of mission in Ramallah.

1. Preliminary remarks

As a preliminary remark, it should be noted that reports on the events in Jenin and the Jenin refugee camp have been produced by a number of NGOs, international organizations and United Nations agencies (UNRWA, Human Rights Watch, ICRC, ...), as part of other global reports on the situation and events in the Occupied Territories or referring exclusively to the situation in Jenin.

It must also be noted that no independent observers were present in the area during the fighting, especially in the refugee camp. The IDF prohibited entry to the camp for 12 consecutive days.

Since the military operations in early April, at least on two other occasions the IDF have made additional incursions in Jenin, thus making very difficult the task of the humanitarian and reconstruction aid agencies and confirming the perception of the population and security services of the Palestinian Authority on the fragility of their situation.

The massive destruction, especially at the centre of the refugee camp, to which all heads of mission in Jerusalem and Ramallah can testify, shows that the site had undergone an indiscriminate use of force, that goes well beyond that of a battlefield.

2. Introduction

On 3 April 2002, the IDF started a military operation against the West Bank Palestinian city of Jenin and its refugee camp. This operation came as part of a major military campaign against Palestinian urban centres in the West Bank.

The operation followed a first major operation in mid-March and was justified by Israel as a part of its fight against terrorism and as a retaliation against a series of terrorist attacks in the previous days.

The city of Jenin and the camp were declared a closed military area, the IDF not allowing anyone access to the city. At the same time a curfew was enforced, which lasted for 13 consecutive days and was only lifted for the refugee camp on 18 April.

This situation prevented observers from entering Jenin and especially the refugee camp, where only on 15 April personnel from ICRC and PRCS were allowed to enter the refugee camp for the first time in 12 days.

As a result, all independent reports on the events that took place in the Jenin refugee camp are based on statements by individuals, comments by officials of the Palestinian Authority and comments coming from some official sources in the IDF,

as well as reporting from officials from UNRWA, ICRC or other international agencies present on the ground.

Direct observation was only possible in the aftermath of the events, at first by humanitarian teams bringing aid to the population, later by visitors to the refugee camp and the city.

On the basis of the reports and direct observation, some facts can be established.

3. Background to the Jenin refugee camp

According to the UNRWA figures, the Jenin refugee camp was home to 13,929 refugees (3,048 families). Other estimates place the figure a little over 13,000. It is the second largest refugee camp in the West Bank, established in 1953 on 373 dunums (1 dunum = 1,000 m^2), occupying now a surface equivalent to 1 square kilometre, within the Jenin municipal boundaries. Reports from UNRWA suggest that a number of refugees had moved out of the limits of the refugee camp itself within the city limits.

Of that population, about 47 per cent are children and elderly (42.3 per cent under 15 years of age and 4.3 per cent over 55 years of age).

According to a survey from the Bir Zeit University, around 50 per cent of the population of Jenin city are refugees.

The camp is mainly constituted of buildings, of two to three storeys, in concrete and brick.

4. Relevant information

The fighting in the camp lasted from 3 to 11 April.

Between the end of the fighting and the first access permitted to the refugee camp, there was a period of four days considered by all observers as critical.

Humanitarian assistance by UNRWA, ICRC and PRCS only started on 15 April, at first under IDF control. They were not allowed at first to carry it on a systematic and organized way and prevented from performing forensic operations.

The curfew was lifted only on 18 April, partially on 16 April.

Of the population of the refugee camp, at least 4,000 remained inside and did not evacuate the camp at any moment.

IDF systematically used bulldozers, tanks, armoured personnel carriers and infantry, also armoured helicopters. The operations took a broader scope after the death of 13 Israeli soldiers in an ambush inside the refugee camp.

IDF cut electricity in both the town and the camp. Water pipes to the refugee camp were also broken.

IDF prevented access to the camp to UNRWA, ICRC and PRCS even to evacuate the wounded and the dead. Only after a decision by the Israeli High Court of Justice, on 14 April, was access granted, though on a very limited basis and conditions.

Fighting was fierce in the refugee camp. A number of Palestinian fighters, estimated at around 150, handed themselves in to the IDF on the last days.

Palestinians had claimed that between 400 and 500 people had been killed, fighters and civilians together. They had also claimed a number of summary executions and the transfer of corpses to an unknown place outside the city of Jenin.

The number of Palestinian fatalities, on the basis of bodies recovered to date, in Jenin and the refugee camp in this military operation can be estimated at around 55. Of those, a number were civilians, four were women and two children. There were 23 Israeli fatalities in the fighting operations in Jenin.

The number of Palestinian fatalities could increase when the rubble is removed. Most observers share the certainty that there must be some bodies lying under the debris.

Nevertheless, the most recent estimates by UNRWA and ICRC show that the number of missing people is constantly declining as the IDF releases Palestinians from detention. In any case, a figure is very difficult to estimate. There are a number of reports about Palestinian civilians being used as human shields.

The IDF made a very large number of detentions, though most of the Palestinians were later set free.

The estimate of physical damage is as follows:

- Destruction of security buildings and infrastructure in Jenin city.
- Destruction of security buildings of the Palestinian Authority in Jenin city.
- 160 buildings totally destroyed in the refugee camp.
- 100 buildings partially damaged. 800 families without shelter, an overall estimate of over 4,000 persons.
- 10 per cent of the camp totally destroyed.
- The centre of the refugee camp has been totally levelled. The area has a diameter of about 200 m and a surface of about 30,000 m^2, with approximately 100 buildings totally destroyed.

The IDF launched a well-prepared operation converging on the centre of the refugee camp as shown by the destruction of buildings in the streets and alleys leading there.

The certainty of buried explosives under the rubble has made it very difficult for specialized teams to move on the ground. Unexploded ordnance belongs to both the IDF and the Palestinians.

From the very first minute, civilians from the camp were eager to come back and started collecting their personal belongings, making the situation even more difficult and dangerous.

The civilians were under a huge shock. Not only were they deprived of water, food and electricity for many days, but they were also seeking information about the fate of relatives with whom they had lost contact.

For many days after the fighting ended, there was neither law nor order inside the camp. The Palestinian Authority was unable to provide security and law enforcement, as the security apparatus had been destroyed.